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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

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Tuesday, July 26, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
Budget and Finance Subcommittee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 11:00 AM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong	2nd Monday (Bi-Monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the following Supervisor Daly was noted absent.

Supervisor Daly was previously excused from attending today's meeting. (See Infra)
Quorum present.

Supervisor Daly Excused from Attendance

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Daly from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approve June 28, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

3 1223 03472 7538

050983 [Clarifying that the Bureau of Delinquent Revenue is authorized to add costs incurred in collecting money owed to the city to the original charge and to collect those costs from the debtor]
Mayor

Ordinance amending Chapter 10, Article V of the San Francisco Administrative Code by amending Section 10.41-1 to authorize the Bureau of Delinquent Revenue Collection to collect costs incurred in collecting claims for money owed to the City, to add those costs to the original charge and to collect those costs from the debtor.

FINALLY PASSED

050984 [Increasing fees for certain services provided by the Medical Examiner]
Mayor

Ordinance making environmental findings, and amending San Francisco Administrative Code Section 8.14, to increase the fees for forensic non-medical examiner or outside county autopsy, disaster bags, removal of remains, and storage of remains.

FINALLY PASSED

050985 [Patient Rates]
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2005.

FINALLY PASSED

050986 [Public Works Code occupancy assessment fees for various encroachments]
Mayor

Ordinance amending the Public Works Code to amend Section 723.2 to adopt a public right-of-way occupancy assessment fee for minor sidewalk encroachments, to amend Section 724.1 to modify the public right-of-way occupancy assessment fee for temporary street occupancy permits; and to add Section 786.7 to adopt a public right-of-way occupancy assessment fee for street encroachments; and making environmental findings.

FINALLY PASSED

050989 [Recreation and Park – Tiny Tots Fees]
Mayor

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.35 to standardize the Department's Tiny Tot/Child Development Program's curriculum and associated fee schedule.

FINALLY PASSED

050990 [Recreation and Park Department – Athletic Field Permit Fees for Adults]
Mayor

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.36 to increase the fees for use of the athletic fields by adults.

FINALLY PASSED

050991 [Recreation and Park – Aquatic Fees]
Mayor

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.34 establishing the fee structure for use of aquatic facilities and for related aquatic activities.

FINALLY PASSED

050992 [Lake Merced Fees – Boat Storage]
Mayor

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding San Francisco Park Code Section 12.38 to establish boat storage fees.

FINALLY PASSED

050999 [Arts Commission Special Funds]
Mayor

Ordinance amending Article XIII of the San Francisco Administrative Code by amending Sections 10.100-28, 10.100-30 and 10.100-34 to redesignate the Arts Commission Market Street Art Maintenance Fund and the Arts Commission Youth Arts Fund as sub-accounts of the Arts Commission Public Arts Fund.

FINALLY PASSED

051000 [Board of Appeals Surcharge]
Mayor

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to add a Board of Appeals surcharge for tobacco retailer's permits issued pursuant to San Francisco Health Code Section 1009.53, (2) amending Section 10G.1 to adjust the surcharges for permits and annual license renewals issued pursuant to San Francisco Police Code Sections 2.26, 2.27 and 2.27.1, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the new Board of Appeals Surcharge and adjustments to existing Board of Appeals surcharges are not a "project" and that such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals pursuant to Charter Section 4.106.

FINALLY PASSED

050993 [Providing for waiver of fees and changing fees for Emergency Medical Services and making environmental findings]
Mayor

Ordinance amending Article 3 of the Health Code by adding Section 120.1 to require the San Francisco Fire Department to waive fees for Emergency Medical Services upon a showing that all persons legally obligated to pay have insufficient income to pay the bill without undue hardship and the patient is not covered by insurance; and amending Section 128.1, to create a fee for providing service to a patient without transporting the patient, to increase the base rate fees for both Basic Life Service and Advanced Life Service, to increase the fee for mileage, to eliminate the fee for night service, to substitute a flat fee for supplemental supplies in place of fees for individual supplies used to treat each patient, to amend the language regarding changes in fees in subsequent years to fix typographical errors, to eliminate the provision by which the San Francisco Fire Department could add charges for additional supplies, and to make environmental findings.

FINALLY PASSED

050994 [Increasing Fire Department Fees For Service]
Mayor

Ordinance amending Sections 106.8, 106.9, 106.11, 106.15, 106. 17, and Table 106B of the San Francisco Fire Code to increase the San Francisco Fire Department's fees for high rise inspection, plan review, pre-application plan review, overtime, and water flow requests, to become operative on its effective date or on July 1, 2005 whichever is later, and making environmental findings.

FINALLY PASSED

051001 [Making Environmental Findings and Establishing the Community Courts Program and Administrative Fee]
Mayor

Ordinance making required environmental findings; amending section 10.100-95 of the Administrative Code to provide that monies collected from participants in the Community Court Program to settle disputes or dismiss charges be deposited in the Mayor's Community Support Fund and make other technical amendments; amending section 10.100-295 of the Administrative Code to designate the Mayor's Office of Criminal Justice as administrator of the Dispute Resolution Program and Fund and to designate the Mayor's Office of Criminal Justice and the District Attorney's Office as administrators of the Community Courts Program; and to add section 10.183 to the Administrative Code to establish and authorize the District Attorney to collect a Community Court Program Administrative Fee to recover the City's costs for the District Attorney to participate in the operation of the Community Courts Program.

FINALLY PASSED

051002 [Establishing Mayor's Office on Disability administrative fees for plan reviews and site inspections]
Mayor

Ordinance making environmental findings and amending the San Francisco Administrative Code by adding a new section 2A.22.1 establishing Mayor's Office on Disability administrative fees for plan reviews and site inspections.

FINALLY PASSED

051004 **[Recovery of the City's costs of emergency response to incidents resulting from the negligent operation of a motor vehicle, boat or vessel by a person under the influence of alcohol or drugs]**
Mayor, Supervisors Ma, Mirkarimi

Ordinance adding Chapter 10H to the San Francisco Administrative Code authorizing the City to recover the costs of emergency response to incidents resulting from negligent operation of motor vehicles, boats or vessels by persons under the influence of alcohol or drugs, and the costs of emergency response to incidents caused by individuals' intentionally wrongful conduct; defining emergency response for the purpose of this chapter; providing for the establishment by ordinance of the standard, hourly charges for personnel and equipment used in emergency response to such incidents; and directing the Police Department, Fire Department and the Health Department to coordinate with designated City officials to prepare and deliver invoices to the persons responsible for the costs of the City's emergency response to such incidents.

FINALLY PASSED

050917 **[Planning Department fee increases and permit surcharge to cover costs of appeals to the Board of Supervisors]**
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Sections 352 and 355 and by amending the San Francisco Administrative Code by amending Section 31.22 to increase planning fees and add a surcharge to compensate the City for the costs of appeals to the Board of Supervisors; making environmental findings.

FINALLY PASSED

051027 **[Entertainment Commission Permits, Licenses and Fees]**
Mayor

Ordinance (1) amending the San Francisco Police Code by amending Sections 2.2, 2.9, 2.25, 2.26, 2.27, 2.31, 43, 43.2, 48 1037.2, and adding Sections 1060.1-1 and 1070.1-1, to (i) increase the application fees for Place of Entertainment permits and permits for Extended Hours Premises, and the annual license fees for Places of Entertainment and Mechanical Amusement Devices, to defray the City's annual costs of Entertainment Commission operations attributable to such permitted businesses, (ii) eliminate distinctions between commercial and non-commercial uses for purposes of loudspeaker permits (iii) and to make technical amendments and corrections, as specified; (2) amending the San Francisco Business and Tax Regulations Code by amending Sections 1.1, 1.2, 1.3, 1.51, 8, and 23, and adding Sections 249.17, 249.18, and 249.19, to make technical amendments and corrections in conformity with the amendments to the Police Code; and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the adjustments to the fees are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Entertainment Commission and Police Department, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to such entertainment-related permits and annual licenses.

FINALLY PASSED

051133 **[Repealing Revolving Fund for Commission on the Status of Women]**
Mayor

Ordinance amending the Administrative Code by repealing section 10.169-11 to eliminate the Commission on the Status of Women's revolving fund.

FINALLY PASSED

051135 [Requiring City departments to report to the Board of Supervisors each quarter on those appropriations items where the department is spending at a rate that would exhaust the appropriation before the end of the fiscal year]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.19-5, to require City departments to report to the Board of Supervisors each quarter on those appropriations items where the department is spending at a rate that would exhaust the appropriation before the end of the fiscal year.

FINALLY PASSED

051136 [Establishing the San Francisco City Services Preservation Fund to receive donations from employees and private donors in order to offset the City's deficit and preserve City services]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-290, to establish the San Francisco City Services Preservation Fund to receive donations from employees and private donors in order to offset the City's deficit and preserve City services.

FINALLY PASSED

051139 [Authorizing the Sheriff and Police Departments to implement a booking fee and seek State reimbursement; providing for cost recovery]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.27-1, to authorize the Sheriff and Police Departments to implement a booking fee and seek State reimbursement and to direct the Controller to provide for full cost recovery between the departments.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

051057 **[Traffic Regulations]**
Supervisor Elsbernd

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Bayshore Boulevard, southbound, between Industrial Street and Silver Avenue.

BICYCLE LANES - ESTABLISH
John Muir Drive, both sides, between Lake Merced Boulevard and the east property line of the Lakewood Apartments.

NO LEFT TURN ON RED, 6 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Fremont Street, northbound, at Howard Street

ONE-WAY (NORTHBOUND) TRAFFIC DESIGNATION - RESCIND
Arago Street, between Havelock and Paulding Streets

NO LEFT TURN - ESTABLISH
Westbound Paulding Street to southbound Arago Street (makes existing regulations permanent)

NO RIGHT TURN - ESTABLISH
Eastbound Paulding Street to southbound Arago Street (makes existing regulations permanent)

RIGHT LANE MUST TURN RIGHT EXCEPT BUSES - ESTABLISH
Geary Boulevard, westbound, at Presidio Park Boulevard (Parking and Traffic Department)

(6/3/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3012.)

Supervisor Elsbernd requested to be added as sponsor.
ADOPTED

051058 [Parking Regulations]
Supervisor Elsbernd

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Rhode Island Street, east side, from 17th Street to 190 feet northerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Bayshore Boulevard, west side, from Industrial Street to Silver Avenue (to allow installation of bicycle lanes).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
49-51 and 55 Norfolk Street, between the driveways of 49-51 and 55 Norfolk Street (12-foot space accommodating 2 motorcycle spaces).

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
2700 and 2730 Mission Street, between 23rd and 24th Streets (adds specific addresses only, no signs will be posted on this block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Moraga Street, both sides, between 12th Avenue and Funston Street (600 Block).

2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, EXCEPT SUNDAY - ESTABLISH
Kansas Street, east side, between 16th and 17th Streets (300 Block). (Parking and Traffic Department)

(6/3/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3012.)

Supervisor Elsbernd requested to be added as sponsor.
ADOPTED

051186 [STOP Intersections]
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Bocana Street, Wool Street and Powhattan Avenue, installing STOP signs at the Bocana Street, Wool Street and Powhattan Avenue approaches, making this a Three-Way STOP;
Peter Yorke Way and Post Street, stopping Peter Yorke Way at Post Street;
21st and Hampshire Streets, stopping 21st Street at Hampshire Street, making this intersection an All-Way STOP;
Boylston and Sweeny Streets, stopping Boylston Street at Sweeny Street, making this intersection an All-Way STOP;
Barneveld and Sweeny Streets, stopping Sweeny Street at Barneveld Street, making this intersection an All-Way STOP; and,
44th Avenue and Santiago Street, stopping 44th Avenue at Santiago Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

ADOPTED

051188 **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

STREET CLOSURE, 10 AM TO 10 PM, EVERYDAY - RESCIND
STREET CLOSURE, 10 AM TO 2 AM, EVERYDAY - ESTABLISH
Claude Lane, between Bush and Sutter Streets (Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

ADOPTED

051190 **[Parking Regulations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
26th Street, both sides, between Church and Dolores Streets (3800 Block).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Kimball Street east side, south of Sacramento Street.

UNMETERED MOTORCYCLE PARKING - RESCIND
32nd Avenue, east side, from 215 feet north of Anza Street to 25 feet northerly (leaving 4 motorcycle parking spaces).

NO PARKING ANYTIME - ESTABLISH
Le Conte Circle, both sides, at Le Conte Avenue; and,
Stanyan Street, west side, within the intersection of Hayes Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
4th Street, east side, from 42 to 82 feet south of Market Street; and,
Paulding Street, south side, from the Arago Street intersection to 115 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Fulton Street, north side, between Funston and 10th Avenue (3400, 3500, 3600 blocks). (Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

ADOPTED

Recommendations of the Rules Committee

050705 **[Appointment - Mental Health Board]**

Resolution appointing John Kevin Hines, term ending January 31, 2006, and Thomas Purvis, term ending January 31, 2007, to the Mental Health Board.

John Kevin Hines, succeeding Dennis Yun, resigned, seat 12, must be a consumer, for the unexpired portion of a three-year term ending January 31, 2006.

Thomas Purvis, succeeding Carol Knight, resigned, seat 14, must be a family member, for the unexpired portion a three-year term ending January 31, 2007.

ADOPTED

051326 **[Appointment - Treasury Oversight Committee]**

Resolution appointing Richard Sullivan, term ending June 5, 2009, to the Treasury Oversight Committee.

Richard Sullivan, succeeding himself, term expired, seat 5, must represent the public at large or must represent the Treasurer, for the unexpired portion of a four-year term ending June 5, 2009.

ADOPTED

051328 **[Appointment - Arts Task Force]**

Resolution appointing Anjali Nath, term ending November 1, 2005, to the Arts Task Force, residency requirement waived.

Anjali Nath, succeeding Deborah Cullinan, resigned, seat 15, must serve as a director, staff member or board member of a non-profit arts organizations based in San Francisco with an annual budget between $250,000 and one million dollars, for the unexpired portion of a six-month term ending November 1, 2005.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

051130 [Government Funding, Fiscal Year 2005-2006]
Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2006.

(Fiscal impact.)
(Supervisor McGoldrick Dissenting in Committee)
(Supervisor Mirkarimi Dissenting in Committee on the Annual Appropriation Ordinance for Selected Departments)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051131 [Public Employment, Fiscal Year 2005-2006]
Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2006, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

050987 [Golf Fees - Harding Park, Golden Gate Park, McLaren Park]
Mayor

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by amending Sec. 12.12 to increase the fees at Harding Park and Fleming Golf Courses; amending Sec. 12.16 to increase the fees at Golden Gate Park Golf Course; amending Sec. 12.20 to authorize an annual cost of living increase in golf fees; and amending Sec. 12.33 to set a maximum fee for golf cart rentals.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051003 [Repeal of exemption from paying tow and storage fees on stolen vehicles, and waiver of an administrative fee for recovered stolen vehicles owned by residents]
Mayor

Ordinance repealing San Francisco Administrative Code Section 10C.8-1, which exempts residents of San Francisco from paying tow and storage fees on stolen vehicles, and amending San Francisco Administrative Code Section 10C.1 and San Francisco Traffic Code Section 170.1 to exempt City residents from payment of an administrative fee in connection with the towing and storage of stolen vehicles.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051137 [Prohibiting the Department of Human Services from requiring fingerprint imaging of clients, unless required by grant programs, by state or federal law, by voter initiative, or by the County Adult Assistance Programs]
Mayor, Supervisor Daly

Ordinance amending the San Francisco Aministrative Code by adding Section 20.30, to prohibit the Department of Human Services from requiring Biometric imaging of clients, unless required by grant programs, by state or federal law, or expressly authorized by vote initiative.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Recommendation of the Government Audit and Oversight Committee

051045 [Appropriate proceeds from the sale of bonds and the Water Enterprise's Fund Balance to fund the SFPUC Water System Improvement Program for fiscal year 2005-06 and the first six-months of fiscal year 2006-07]
Mayor

Ordinance appropriating $153,981,000 for project activities and $6,789,188 for program management services of bond sales proceeds, and $1,000,000 of the Water Enterprise's Fund Balance totaling $161,770,188 to fund the San Francisco Public Utilities Commission's (SFPUC) Water System Improvement Program for fiscal year 2005-06 and the first six-months of fiscal year 2006-07.

(Fiscal impact.)
Supervisor Daly dissented in committee.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Recommendation of the Land Use Committee

050085 **[Ordering vacation of 22nd Street between Arkansas and Connecticut Streets]**

Ordinance ordering the vacation of the 22nd Street right-of-way between Arkansas and Connecticut Streets subject to reservations of certain utility easements in the vacated area; authorizing the sale of a portion of the vacated street area pursuant to the terms of an agreement for sale of real estate; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this ordinance. (Real Estate Department)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Recommendation of the Rules Committee

031567 **[Charter Amendment - Establishing an Emergency Health Care Services Fund and baseline funding for the Fund]**
Supervisors Daly, Sandoval

Charter Amendment (Fourth Draft) to add Section 16.126 to increase the fiscal authority of the Health Commission and establish a stable baseline funding level for the Department of Public Health to ensure the continued operation of San Francisco public health services.

Continued to August 2, 2005
Supervisor Sandoval requested to be added as a co-sponsor.

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

050824 **[Contract funds to participate in the development of a national violent death reporting system]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the California Department of Health Services (CDHS), the primary contractor, and expend funds in the amount of up to $70,000 in order to participate in the development of a national violent death reporting system, and to add one 0.5 position funded under this agreement; for the period of January 1, 2005, through September 29, 2009.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

050979 **[Contract funds to participate in the HIV Prevention Trials Unit Protocol 039 study]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with PHFE Management Solutions (PHFE), the primary contractor, and expend funds in the amount of $51,934 in order to participate in the HIV Prevention Trials Unit Protocol 039 study; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051048 **[Endorsing the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership and urging relevant city agencies to work together towards its implementation]**
Supervisors Dufty, Maxwell, Alioto-Pier, Sandoval, Ma, McGoldrick, Mirkarimi, Ammiano

Resolution endorsing the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership and urging relevant city agencies to work together its implementation to reduce recidivism for parents and improve outcomes for children.

Supervisors Mirkarimi and Ammiano requested to be added as co-sponsors.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051117 **[Urging the California Public Utilities Commission to order PG&E to pay a substantial fine and to take necessary corrective measures to prevent future indoor substation fires and outages]**
Supervisors McGoldrick, Mirkarimi, Maxwell, Ammiano

Resolution urging the California Public Utilities Commission (CPUC) to require PG&E to take all measures necessary to ensure that PG&E substations are safe and reliable, urging the CPUC to impose a substantial fine on PG&E for allowing unsafe and unreliable conditions to develop and persist at the Mission Substation, and calling on PG&E to compensate all persons, businesses and governmental entities that suffered economic harm as a result of any PG&E electrical outages.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

From the Government Audit and Oversight Committee Without Recommendation

051275 **[Legal Action - Protecting Tenants]**
Supervisor Peskin

Resolution urging the San Francisco City Attorney to file a `friend of the court'/amicus curiae' brief to set forth our city's interest in protecting tenants against wrongful evictions.

ADOPTED by the following vote:
Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma
Excused: 1 - Daly

Recommendation of the Land Use Committee

050862 **[Rincon Hill Area Plan Amendments]**
Supervisor Daly

Ordinance amending the San Francisco General Plan by amending the Rincon Hill Area Plan, the Urban Design Element, the Recreation and Open Space Element, the Downtown Plan, the South of Market Area Plan, and the Land Use Index to conform them with proposed Rincon Hill Downtown Residential District; adopting environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Recommendations of the Rules Committee

050741 **[Creating a Food Security Task Force]**
Supervisors Maxwell, Mirkarimi, Ammiano

Ordinance amending the San Francisco Health Code by adding Sections 470.1 and 470.2, to establish a Food Security Task Force charged with creating a strategic plan to address hunger, enhancing food security, and increasing participation in federally funded programs; requiring preparation of reports and a strategic plan; and including a sunset provision.

Supervisor Ammiano requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Daly

051159 **[Accept and Expend Gift - Robin and Marsha Williams]**
Supervisors Alioto-Pier, Ammiano

Resolution accepting a gift in the amount of $80,000 from Robin and Marsha Williams and authorizing its expenditure to repair and improve a retaining wall and median strip on Seacliff Avenue.

Supervisor Ammiano requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

050132 [Rules of Order of the Board - Material Economic Impact Legislation]
Supervisors Alioto-Pier, Elsbernd

Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25, which will provide a process for holding public hearings associated with legislation that might have a material economic impact on the City.

Continued to August 2, 2005
Supervisor Elsbernd requested to be added as a co-sponsor.
Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

SPECIAL ORDER 3:00 P.M.

051243 [Hearing - "2500 Block of Mission Street Business Improvement District (BID)"]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "2500 Block of Mission Street Business Improvement District (BID)," ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.

Speakers in support of 2500 Mission Street Business Improvement District
Philip Lessor, President of Mission Merchants Association
Gideon Kramer, Green Patrol
Male speaker
Judith Berkowitz

Speakers Opposed to 2500 Mission Street Business Improvement District
Representative, Mission Economic Development Agency
Lia Miller, Mission Economic Development Agency
Robert Levy, expressed concern over notification process

The President requested Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.
The President declared the Public Hearing Closed.
Tabulation of the ballots cast began by the Department of Elections.
HEARD AT PUBLIC HEARING.

051189 [Resolution to establish the 2500 Block of Mission Street Business Improvement District]
Supervisors Ammiano, Dufty

Resolution establishing a property-based business improvement district to be known as the "2500 Block of Mission Street Business Improvement District (BID)," ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings.

The Clerk of the Board announced the tabulations of the 2500 Mission Street Business Improvement District:
Voting For 66.70%
Voting Against 33.30%

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ma
Excused: 1 - Daly

Supervisor McGoldrick Excused from Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

051241 [Hearing - "Fisherman's Wharf Community Benefit District (CBD)"]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Fisherman's Wharf Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Speakers In support of Fisherman's Wharf Community Benefit District
Mr. Fung, President, Fisherman's Wharf Merchants
Ms. Mish, Past President of Fisherman's Wharf Merchants
Christopher Martin, President Cannery Properties, Inc.
Timothy Losch, Academy of Opthomalogy

Speakers Opposed to Fisherman's Wharf Community Benefit District
Robert Barbagelata, requested not to have property included in benefit district
Joseph Piccinini; requested not to have property included in benefit district

The President requested Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.
The President declared the Public Hearing Closed.

Tabulation of the ballots cast began by the Department of Elections.
HEARD AT PUBLIC HEARING.

051184 [Resolution to establish the Fisherman's Wharf Community Benefit District]
Supervisor Peskin

Resolution establishing a property-based business improvement district to be known as the "Fisherman's Wharf Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Fisherman's Wharf Community Benefit District:
Voting For 80.64%
Voting Against 19.36%

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Ammiano, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Supervisors Dufty and Ammiano introduced, welcomed and presented Certificate of Honors to members of the organizers of the Gay Pride festivities.

Supervisor Sandoval introduced, welcomed and presented Certificate of Honors to Mei Yan Fang and Li Qin Yang Zhu.

Supervisor Ma introduced, welcomed and presented Certificate of Honors to the winners of the 77th San Francisco Junior Golf Tournament and staff at Lincoln Golf Course.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

051287 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

051286 **[Reenacting a Disadvantaged Business Enterprise Program]**
Supervisor Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

SPECIAL ORDER 4:00 P.M.

051222 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.
Continued to August 9, 2005
CONTINUED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051223 [Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to August 9, 2005

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051224 [Disapproving the categorical exemption issued for 899 North Point Street]

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to August 9, 2005

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051225 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to August 9, 2005

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

SPECIAL ORDER 4:30 P.M.

051270 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 405 Hill Street]**

Hearing of persons interested in or objecting to the the decision of the Department of Public Works, by its letter dated June 20, 2005, approving a request for a Minor Sidewalk Encroachment Permit to occupy a portion of the public sidewalk right-of-way for the purpose of constructing and maintaining two 30" high planter box, and a warped driveway ramp, to encroach 3'-9" into the public sidewalk right-of-way fronting the property at 405 Hill Street. (Appellant: Bob Callori)

(Filed June 29, 2005; companion measure to Files 051271, 051272; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board.
Appellant; Bob Callori, Dolores Design Review Committee
Pam Capella; support of appellant

Nick Elsner, Department of Public Works reviewed with the Board the Department's recommendation.
Sponsor
Appellant, Rebuttal Period

The President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be adopted.)

051271 **[Disapproving Minor Sidewalk Encroachment Permit Appeal - 405 Hill Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the Encroachment Permit. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

051272 **[Approving Minor Sidewalk Encroachment Permit Appeal - 405 Hill Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the appeal. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ammiano provided the Board an update on the Golden Gate Bridge District and the Municipal Transportation Commission on which he represents the Board of Supervisors.

PUBLIC COMMENT

James Chaffee; expressed concern relating to Radio Frequency tracking of Library books
Walter; showed interest in the space program
Eugene Gordon, Jr; expressed concern relating to human injustices
John DiDonna; expressed concern with general issues
Marilyn Amini; requested to amend File No.051345 - Extension of Planning Commission Review Period
Judy Berkowitz, Coalition for Better Neighborhood"; requested to amend File No. 051345 - Extension of Planning Commission Review Period
John Bardis; expressed concern relating to File No. 051345 - Extension of Planning Commission Review Period and requested this matter be referred to Committee
Male speaker; expressed concern with issues relating to gay marriages
Male speaker; expressed concern with issues relating to medical cannabis dispensaries

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

Supervisor Sandoval noted absent at 5:00 p.m.

051280 **[Significant Exposure to Litigation Involving the City]**
[City as Plaintiff and/or Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation involving the City related to the renewal of the cable franchise for Comcast of California III. Government Code Section 54956.9(b)(1) and (b)(3) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session. Based on existing facts and circumstances, there is a significant exposure to litigation involving the City and County.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Daly

Recess

The Board recessed at the hour of 5:00 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:16 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin -8

Supervisor Ammiano was noted absent at 6:10 p.m.

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:
Supervisors Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Cheryl Adams, Deputy City Attorney
Theresa Mueller, Deputy City Attorney
Ed Harrington, Controller
William Lowrey, Miller & Van Eaton, Outside Counsel
Chris Vein, Acting Director, DTIS
Brian Roberts, DTIS
Ron Vinson, Acting Administrator, DTIS
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval
Excused: 1 - Daly

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051332 [Accept-Expend Gift - Department of Public Works]
Supervisor Maxwell

Resolution authorizing the Department of Public Works to accept a gift in the amount of up to $250,000 from the San Francisco Parks Trust for the construction of a children's playground on the Sunnydale Housing Project.

ADOPTED

051337 [Alternative Family Services Day]
Supervisors Ammiano, Dufty

Resolution recognizing the outstanding contributions of Alternative Family Services, its foster parents, and staff proclaiming Wednesday, the 27th of July, 2005 in the City and County of San Francisco.

ADOPTED

051339 [Commending Libby Albert]
Supervisor Dufty

Resolution commending Libby Albert for her work with the After School Enrichment Program (ASEP), and wishing her continued success with the Department of Children, Youth, and Their Families (DCYF).

ADOPTED

051340 [Honoring Patricia Toomey]
Supervisor Ma

Resolution honoring Patricia Toomey for her lifelong work and commitment to her native city of San Francisco.

ADOPTED

051341 [Supporting Senate Bill 600 - Healthy Californians Biomonitoring Program]
Supervisor Ma

Resolution urging the support of Senate Bill 600, the Healthy Californians Biomonitoring Program.

ADOPTED

051344 [Accept-Expend State Grant - Port Commission]
Supervisor Maxwell

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $132,600 from the California Coastal Conservancy for the Pier 94 Wetlands Enhancement Project.

ADOPTED

051347 **[Recognizing the importance of the African Diaspora in Latin America and North and South America]**
Supervisor Sandoval

Resolution recognizing the importance of the African Diaspora in Latin America as well as North and South America.

ADOPTED

051348 **[Commending Friar Louie Vitale]**
Supervisors Sandoval, Mirkarimi

Resolution commending Friar Louie Vitale for his many years of dedicated service as Pastor of St. Boniface Church.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED

051278 **[Final Map for a 6 Unit Commercial Condominium Project - Fulton Masonic]**
Motion approving Final Map of Fulton Masonic, a Commercial Condominium Project, being a subdivision of Lot 30 in Assessor's Block No. 1175, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,491; District 5.)

APPROVED

051279 **[Final Map for a 42 Unit Mixed Use Condominium Project - Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street]**
Motion approving Final Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, A Mixed Use Condominium Project, being a subdivision of Lot 12 in Assessor's Block No. 6596, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,479; District 9.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Severed from the Without Reference Committee Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

051335 [Charlotte Mailliard Shultz Staircase Renaming]
Supervisors Peskin, Dufty, Elsbernd

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.

Supervisor Mirkarimi requested that this matter be referred to Committee.
Supervisors Dufty and Elsbernd requested to be added as co-sponsors.
REFERRED.

Supervisor Ma requested that this matter be severed so that it might be considered separately.

051336 [Street Improvements on 25th Avenue]
Supervisor McGoldrick

Resolution requesting that the Municipal Transportation Agency and Department of Public Works, work with the 25th Avenue Neighborhood Association to address, improve, and enhance conditions on 25th Avenue, and to expend funds as feasible and necessary to meet those ends.

Supervisor Ma requested that this matter be referred to Committee.
REFERRED.

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

051338 [Dykes on Bikes Trademark]
Supervisors Ammiano, Dufty, Sandoval, Mirkarimi

Resolution urging that the U.S. Patent and Trademark Office accept the San Francisco Women's Motorcycle Contingent's application to trademark the name, "Dykes on Bikes", for the group to use for educational and entertainment purposes such as parades, festivals, and other occasions celebrating the liberation of gay and lesbian people from historical discrimination.

Amended to add " bi-sexual and transgender" after "gay and lesbian".
Supervisors Sandoval and Mirkarimi requested to be added as co- sponsors.
Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Resolution urging that the U.S. Patent and Trademark Office accept the San Francisco Women's Motorcycle Contingent's application to trademark the name, "Dykes on Bikes", for the group to use for educational and entertainment purposes such as parades, festivals, and other occasions celebrating the liberation of gay, lesbian, bi-sexual and transgender people from historical discrimination.

ADOPTED AS AMENDED.

Supervisor Ma requested that this matter be severed so that it might be considered separately.

051342 [Supporting AB 378 (Chu) - Hate Crime Civil Remedies Act]
Supervisor Ma

Resolution urging California Governor Arnold Schwarzenegger to sign AB 378 (Chu), the Hate Crime Civil Remedies Act into law.

Supervisor Ma, seconded by Supervisor Dufty, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

051343 [Endorsing recommendations of the Strategic Alliance]
Supervisor Maxwell

Resolution endorsing the Recommendations of the Strategic Alliance: "Taking Action for a Healthier California".

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Supervisor Ma requested that this matter be severed so that it might be considered separately.

051345 [Zoning - Extension of Planning Commission Review Period]
Supervisor McGoldrick

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); to Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents, and to amend the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas.

Supervisor Ma withdrew her request to refer this matter to Committee.
Continued to August 2, 2005

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

051346 [Urging support for Preservation and Restoration of Sacred Heart Church]
Supervisor Mirkarimi

Resolution urging the Department of Building Inspection and the San Francisco Archdiocese to diligently monitor the status and condition of the historic Sacred Heart Church and expressing support for preserving this historical treasure through all means possible.

Continued to August 2, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

051269 [Agreement for Tolling of Statute of Limitations Governing Claim]
Resolution approving the City Attorney's entry into a tolling agreement governing claim by USDA Forest Service filed February 2, 2005 arising from Stanislaus National Forest fire of August 9, 2004. (City Attorney)
7/12/05, RECEIVED AND ASSIGNED to Rules Committee.

051273 [Airport Environmental Review]
Resolution certifying the Determination of the Office of Environmental Review that no further environmental review document is necessary for the West Field Cargo Redevelopment Project at San Francisco International Airport. (Airport Commission)
7/13/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:18 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES
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Tuesday, August 2, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong	2nd Monday (Bi-Monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

050978 **[Accept-Expend Regional Grant - Airport Commission]**
Resolution authorizing the Airport Commission to accept and expend four (4) grants totaling $276,070 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators. (Airport Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

050854 **[Airport Concession Lease]**
Resolution approving Amendment No. 2 to the Public Locker and Over-the-Counter Baggage Storage Lease No. 95-0263 between Smarte Carte, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051124 **[Lease of Real Property at 1440 Harrison Street]**
Resolution authorizing the renewal of a sublease of 52,200 sq. ft. of space at 1440 Harrison Street for the Department of Human Services. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051125 **[Airport Contract Modification - Professional Services Agreement for contract No. 3399]**

Resolution approving Modification No. 5, of the Professional Services Agreement for contract No. 3399 – Professional insurance brokerage services for specification, placement and administration of an OCIP for the Airport's Master Plan with J&H Marsh McLennan/Merriwether & Williams Insurance Services, to extend the term of the contract for three years for a new ending date of June 30, 2007. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Recommendations of the Rules Committee

051329 **[Appointment - Treasury Oversight Committee]**

Resolution appointing Edward Harrington, Joseph Grazioli and Leonardo Fermin, terms ending June 5, 2009, to the Treasury Oversight Committee, residency requirement waived.

Edward Harrington, succeeding himself, term expired, seat 2, must be the Controller, for the unexpired portion of a four-year term ending June 5, 2009.

Joseph Grazioli, succeeding George Kozita, term expired, seat 3, must represent the Superintendent of Schools, for the unexpired portion of a four-year term ending June 5, 2009.

Leonardo Fermin (residency requirement waived) succeeding himself, term expired, seat 4, must represent the public at large, for the unexpired portion of a four-year term ending June 5, 2009.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051368 **[Appointment - Immigrant Rights Commission]**

Resolution appointing Deborah Escobedo, Felix Levy and Samira Causevic McCoy, terms ending June 6, 2007, to the Immigrant Rights Commission.

Deborah Escobedo, succeeding herself, seat 4, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.

Felix Levy, succeeding Richard Ow, seat 6, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.

Samira Causevic McCoy, succeeding Phu Nguyen, seat 8, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Rules Committee

050741 **[Creating a Food Security Task Force]**
Supervisors Maxwell, Mirkarimi, Ammiano

Ordinance amending the San Francisco Health Code by adding Sections 470.1 and 470.2, to establish a Food Security Task Force charged with creating a strategic plan to address hunger, enhancing food security, and increasing participation in federally funded programs; requiring preparation of reports and a strategic plan; and including a sunset provision.

Supervisor Daly requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

050132 **[Rules of Order of the Board - Material Economic Impact Legislation]**
Supervisors Alioto-Pier, Elsbernd

Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25, which will provide a process for holding public hearings associated with legislation that might have a material economic impact on the City.

Supervisor Daly, seconded by Supervisor Alioto moved an amendment of the whole.
Motion to amend carried without objection.

Further amendment made by Supervisor Daly, seconded by Supervisor Ammiano, moved to amend on page 3; line, 1 before "The Office of Economic Analysis" by inserting "from the received date and requesting the Clerk of the Board to forward the legislation to the Office of Economic Analysis upon receipt of legislation."
Motion to further amend failed by the following vote:
Ayes: 4 - Ammiano, Daly, Mirkarimi, Peskin
Noes: 7 - Alioto-Pier, Elsbernd, Ma, Maxwell, McGoldrick, Sandoval
Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

APPROVED AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

031567 [Charter Amendment - Establishing an Emergency Health Care Services Fund and baseline funding for the Fund]
Supervisors Daly, Sandoval

Charter Amendment (Fourth Draft) to add Section 16.126 to increase the fiscal authority of the Health Commission and establish a stable baseline funding level for the Department of Public Health to ensure the continued operation of San Francisco public health services.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be RE-REFERRED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

050862 [Rincon Hill Area Plan Amendments]
Supervisor Daly

Ordinance amending the San Francisco General Plan by amending the Rincon Hill Area Plan, the Urban Design Element, the Recreation and Open Space Element, the Downtown Plan, the South of Market Area Plan, and the Land Use Index to conform them with proposed Rincon Hill Downtown Residential District; adopting environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

050865 **[Rincon Hill Area Plan: Imposing development impact fees for the provision of necessary community infrastructure in DTR Districts]**

Supervisor Daly

Ordinance amending the Planning Code by adding Section 318 to impose community improvement impact fees of $11 per square foot on residential development in the DTR districts to provide necessary community improvements and enhance property values in the district by helping to fund the construction and reconstruction of streets, streetscaping, parks, community centers, and other public infrastructure, to impose a SOMA community stabilization impact fee of $14 per square foot on residential development in the Rincon Hill Area Plan to provide community stabilization benefits in SOMA including affordable housing, economic development and community cohesion; amending the Zoning Map of the City and County of San Francisco to change Maps 1, 1H, and 1SU for the area generally bounded by Folsom Street to the north, The Embarcadero to the east, Bryant Street and the north side of the Bay Bridge to the south, and Essex Street to the west for the blocks and lots described below; and amending the San Francisco Planning Code by adding Sections 825, 825.1, 826, and 827 to create Downtown Residential (DTR) districts, establish DTR districts in Transbay and Rincon Hill, and specify the uses permitted in Downtown Residential districts; by adding Sections 145.4, 151.1, 152.2, 155.5, 166, 167, 175.7 and 263.19 to impose requirements for street frontages, permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, separating parking costs from housing costs, exempting certain pipeline projects from the new controls, and limiting podium and tower heights in the R bulk district; by adding Section 309.1 establishing procedures for permit review in DTR districts; and by amending Section 102.5 (District), Section 135 (Usable Open Space for Dwelling Units and Group Housing), Section 141 (Screening of Rooftop Features), Section 151 (Required Off-Street Parking Spaces), Section 152 (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market), Section 153 (Rules for Calculation of Required Spaces), Section 154 (Dimensions for Off-Street Parking, Freight Loading and Service Vehicle Spaces), Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities), Section 182 (Nonconforming Uses), Section 201 (Classes of Use Districts), Section 207.5 (Density of Dwelling Units in Mixed Use Districts), Section 209 (Uses Permitted in R Districts), Section 249.1 (Rincon Hill Special use District), Section 260 (Height Limits; Measurement), Section 270 (Bulk Limits; Measurement), Section 608.13 (Rincon Hill Area), Section 802.1 (Mixed Use Districts), Section 803 (Mixed Use District Requirements), Section 803.5 (Additional Provisions Governing Uses in Mixed Use Districts), and Section 809 (Guide to Understanding the Mixed Use District Zoning Controls) to conform these sections with the new DTR district controls; adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.and making findings. (Planning Department)

Supervisor Elsbernd dissented in Committee.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

051044 [Multifamily Housing Revenue Bonds - 575 Eddy Street Apartments]
Supervisor Daly

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $5,000,000 for 575 Eddy Street Apartments; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $25,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $5,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051198 [Muni Standard Hybrid-Electric Bus Procurement]
Supervisors Ammiano, Alioto-Pier, Mirkarimi

Resolution approving the award of Contract Proposal No. 350 (Procurement of Standard Low Floor Hybrid-Electric Diesel Coaches) between the City and County of San Francisco and Orion Bus Industries, in an amount not to exceed $29,398,629.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Budget and Finance Committee

Supervisor Ma Excused from Voting

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to excuse Supervisor Ma at her request, because of possible conflict of interest, from voting.. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

051258 [Golf Fees - Cost of Living, McLaren Park]
Supervisor McGoldrick

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by amending Sec. 12.20 to authorize an annual cost of living increase in golf fees; and adding Sec. 12.37 to establish fees for Gleneagles Course at McLaren Park.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Recommendations of the Government Audit and Oversight Committee

050919 **[Capital Planning Fund]**
Supervisor Elsbernd

Ordinance establishing a Capital Planning Fund to Receive and Expend Funds for Preliminary Design, Planning and Cost-Estimating of Major Capital Expenditure Projects.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

050920 **[San Francisco Capital Planning Plan and Committee]**
Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by repealing Sections 3.20, 3.21, 3.22 and 3.23 in their entirety; adding new Sections 3.20 and 3.21 to establish a requirement for a ten-year capital plan and to replace the Capital Improvements Advisory Committee with the Capital Planning Committee, to assign administrative responsibilities to the City Administrator, to broaden committee membership, and to clarify the committee's mission.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Rules Committee

051284 **[Confirming the Appointment of Kimberly Brandon to the San Francisco Port Commission]**
Mayor

Resolution confirming the appointment of Kimberly Brandon to the San Francisco Port Commission, term ending May 1, 2009.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051367 **[Appointment - Entertainment Commission]**
Motion appointing Erik Joseph Pred, term ending July 1, 2009, to the Entertainment Commission.

Erik Joseph Pred, succeeding himself, term expired, seat 3, must represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2009.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051254 [Appointment - Board of Appeals, Katharine Albright]

Motion approving the Mayor's appointment of Katharine Albright to the Board of Appeals for the term ending July 1, 2008. (Clerk of the Board)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 051255.)
Transmittal date - June 28, 2005.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

050864 **[Rincon Hill Area Plan; Imposing Development Fees]**
Supervisor McGoldrick

Ordinance amending the Planning Code by adding Section 318 to impose community improvement impact fees totalling $11 per square foot on residential development in the DTR districts to provide necessary community improvements and enhance property values in the district by helping to fund the construction and reconstruction of streets, streetscaping, parks, community centers, and other public infrastructure, and to impose an additional Rincon Hill development impact fee totalling $14 per square foot on residential development over 85 feet in height in the Rincon Hill Plan Area to create the Rincon Hill Mitigation Fund to fund affordable housing, to address impacts on citywide infrastructure such as open space, street improvements, and community facilities, and to address economic and community impacts on the SOMA community, and making findings; amending the Zoning Map of the City and County of San Francisco to change Maps 1, 1H, and 1SU for the area generally bounded by Folsom Street to the north, The Embarcadero to the east, Bryant Street and the north side of the Bay Bridge to the south, and Essex Street to the west for the blocks and lots described below; and amending the San Francisco Planning Code by adding Sections 825, 825.1, 826, and 827 to create Downtown Residential (DTR) districts, establish DTR districts in Transbay and Rincon Hill, and specify the uses permitted in Downtown Residential districts; by adding Sections 145.4, 151.1, 152.2, 155.5, 166, 167, 175.7 and 263.19 to impose requirements for street frontages, permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, separating parking costs from housing costs, exempting certain pipeline projects from the new controls, and limiting podium and tower heights in the R bulk district; by adding Section 309.1 establishing procedures for permit review in DTR districts; and by amending Section 102.5 (District), Section 135 (Usable Open Space for Dwelling Units and Group Housing), Section 141 (Screening of Rooftop Features), Section 151 (Required Off-Street Parking Spaces), Section 152 (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market), Section 153 (Rules for Calculation of Required Spaces), Section 154 (Dimensions for Off-Street Parking, Freight Loading and Service Vehicle Spaces), Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities), Section 182 (Nonconforming Uses), Section 201 (Classes of Use Districts), Section 207.5 (Density of Dwelling Units in Mixed Use Districts), Section 209 (Uses Permitted in R Districts), Section 249.1 (Rincon Hill Special use District), Section 260 (Height Limits; Measurement), Section 270 (Bulk Limits; Measurement), Section 608.13 (Rincon Hill Area), Section 802.1 (Mixed Use Districts), Section 803 (Mixed Use District Requirements), Section 803.5 (Additional Provisions Governing Uses in Mixed Use Districts), and Section 809 (Guide to Understanding the Mixed Use District Zoning Controls) to conform these sections with the new DTR district controls; adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, McGoldrick

SPECIAL ORDER 3:00 P.M.

051242 **[Hearing - "Noe Valley Community Benefit District (CBD)"]**

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Noe Valley Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Speakers In support
Bob Roddick, Debra Neiman, Robert Ramsey, Bill Yenne, Carol Yenne, Male speaker, Rob Evans, Ernestine Weiss, Gia Grant
Speakers Opposed to
Robert Hildreth, Ella Ento,

The President requested Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.
The President declared the Public Hearing Closed.

Tabulation of the ballots cast began by the Department of Elections.
HEARD AT PUBLIC HEARING.

051185 **[Resolution to establish the Noe Valley Community Benefit District]**
Supervisor Dufty

Resolution establishing a property-based business improvement district to be known as the "Noe Valley Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings.

The Clerk of the Board announced the tabulations of the Noe Valley Community Benefit District
Voting For: 36.35%
Voting Against: 27.41%

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051244 **[Hearing - "Castro/Upper Market Community Benefit District (CBD"]**

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Castro/Upper Market Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Speakers In support
Paul Moffett, Gustavo Serina, Herb Cohn, Richard Magary, Eric Mann, Jane Warner, Michael Nulty, Terry Mashow, Leann Bauman, Gia Grant, Ernestine Weiss
Speakers Opposed to
There were none

The President requested Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.
The President declared the Public Hearing Closed.

Tabulation of the ballots cast began by the Department of Elections.
HEARD AT PUBLIC HEARING.

051187 **[Resolution to establish the Castro/Upper Market Community Benefit District]**
Supervisor Dufty

Resolution establishing a property-based business improvement district to be known as the "Castro/Upper Market Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The Clerk of the Board announced the tabulations of the Castro/Upper Market Community Benefit District
Voting For: 40.53%
Voting Against: 21.82 %

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051245 [Hearing - "North of Market/Tenderloin Community Benefit District (CBD)"]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "North of Market/Tenderloin Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Speakers In support
Antoinetta, Mr. Allen, David Overdoorf, David Cole, Robert Smith, Geoffrey Grear, Carmela Gold, Mr. Leroy Looper, Randy Shaw, Joe Kaplan, Michael Nulty, John Nulty, Claire Bohman, Joe Cha, Tom Murray, Sam Dodge, Tom Lorentzen, David Seward, Diego Sanchez, Bruce Allison, Byron Yee, Regina Guggehiem, Ahn Nguyen, Art Evans, Mr. Owen, Richard Allman, Female speaker, Randy Shaw Valencia, Gia Grant, Elaine Zamora, Female speaker, Lea Curry, Michael Barquera, Adam Duffy, Ernestine Weiss, Sr. Carmen Barsetti, Pete Williams
Speakers Opposed to
Rich Postal, Chaplain Earl Rodgers, David Brillant for Gerda Kircher, Gerda Kircher, Vikki Vlazakis, Yiota Pataris

The President requested Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.
The President declared the Public Hearing Closed.

Tabulation of the ballots cast began by the Department of Elections.
HEARD AT PUBLIC HEARING.

051192 [Resolution to establish the North of Market/Tenderloin Community Benefit District]
Supervisor Daly

Resolution establishing a property-based business improvement district to be known as the "North of Market/Tenderloin Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to August 9, 2005

Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Charo declaring it Charo Week in San Francisco.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Alec Mazo the winner of Dancing with the Stars.

COMMITTEE REPORTS

050935 **[Authorizing permits to exempt itinerant School District teachers and administrators from Residential Parking Permit regulations]**

Supervisors Ammiano, Mirkarimi

Ordinance amending the San Francisco Traffic Code by amending section 308.3 to authorize the Director of Parking and Traffic to issue permits that would exempt itinerant teachers and designated school administrators employed by the San Francisco Unified School District from Residential Permit Parking regulations, and setting a fee for such permits.

Supervisor Ma requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051036 **[0.25% Sales Tax Increase for Emergency Health Services]**

Supervisors Daly, Peskin, Ammiano, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval, Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to impose a transactions and use tax at the rate of one-quarter of one percent (0.25%) in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code, for the purpose of providing additional support for emergency medical, hospital inpatient, outpatient, public health, mental health and substance abuse services to residents of the City and County of San Francisco; directing submission of the tax for voter approval at election and setting forth the ballot question therefor.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051247 **[Golden Gate Park Music Concourse - Surface Circulation Plan]**
Supervisors Mirkarimi, McGoldrick, Peskin

Resolution approving the Golden Gate Park Music Concourse Surface Circulation Plan known as Option 2A, which prohibits the use of the Music Concourse for cut-through automobile traffic and provides for vehicular drop-off for visitors to the Concourse from the north and south; making environmental and other findings; and authorizing official acts in connection with this approval.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Michael Nulty, expressed concern with the process of liquor licenses
Male speaker, requested the Board to amend File No. 051345
Marilyn Amini, requested the Board to sever and amend File No. 051345
James Chaffee; expressed concern with issues relating to the SF Library
John Nulty; requested the Board to approve File No. 051360
Female speaker; requested the Board to amend File No. 051345
Judy Berkowitz; showed interest in File No. 051345

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

051360 **[Legislative Analyst Request - Means Testing]**
Supervisor Elsbernd

Motion requesting the Legislative Analyst to survey means testing legislation for rent control in New York City, Boston and other municipalities in Massachusetts, and determine how means testing could be applied to the San Francisco Rent Control Ordinance.

Continued to February 7, 2006

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051362 [Amending Community Choice Aggregation Citizens Advisory Task Force Membership]
Supervisor Ammiano

Resolution amending the membership of the Community Choice Aggregation Citizens Advisory Task Force to require that the Environmental Justice Advocate reside in the "Southeast sector" of San Francisco instead of "Hunter's Point".

ADOPTED

051363 [Commending Mujeres Unidas y Activas (MUA)]
Supervisors Dufty, Ammiano

Resolution commending Mujeres Unidas y Activas (MUA) for its work to organize and empower Latina immigrants, and wishing the organization continued success on its 15th Birthday.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

051364 [Commemorating the 60th Anniversary of the Bombings of Hiroshima and Nagasaki]
Supervisor Mirkarimi

Resolution commemorating the 60th Anniversary of the United States bombings of Hiroshima and Nagasaki, expressing solidarity with the Hibakusha, acknowledging the human suffering of victims and survivors, and imploring all nations to use all diplomatic and preventive efforts to cease the proliferation and use of nuclear weapons.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

051365 [Violence Against Women Act]
Supervisor Ma

Resolution urging the San Francisco Congressional delegation to support the reauthorization of the Violence Against Women Act.

ADOPTED

051366 [National Health Center Week]
Supervisor Ma

Resolution recognizing August 7-13, 2005 as "National Health Center Week" in the City and County of San Francisco.

ADOPTED

051371 [Supporting Filipino Veterans Equity Act]
Supervisor Peskin

Resolution urging the President and the Congress of the United States of America to honor the contributions of Filipino World War II veterans by passing the Filipino Veterans Equity Act, specifically HR 302 and S 146.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

051372 [Urging Urban Outfitters, Inc. to Discontinue Selling Racially Offensive Merchandise]
Supervisors Sandoval, Mirkarimi

Resolution urging Urban Outfitters, Inc. to discontinue selling a line of racially offensive T-shirts with the slogan "New Mexico, Cleaner Than Regular Mexico" and remove the currently stocked merchandise from Urban Outfitters stores.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

051356 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Committee Reference

Supervisor McGoldrick requested that this matter be severed so that it might be considered so separately.

051345 [Zoning - Extension of Planning Commission Review Period]
Supervisor McGoldrick

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); to Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents, and to amend the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas.

Amended on page 2, line 5, to extend to September 15, 2005.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi requested that this matter be severed so that it might be considered so separately.

051346 **[Urging support for Preservation and Restoration of Sacred Heart Church]**

Supervisor Mirkarimi

Resolution urging the Department of Building Inspection and the San Francisco Archdiocese to diligently monitor the status and condition of the historic Sacred Heart Church and expressing support for preserving this historical treasure through all means possible.

Supervisor Daly requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Ma, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Ma, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051383 [Proclaiming Friday, August 5, 2005 as DeLavallade Family Day in San Francisco]
Supervisor Maxwell

Resolution proclaiming August 5, 2005 as DeLavallade Family Day in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors

Ordinances

051380 [Interdepartmental jurisdictional transfer of property]
Supervisor Dufty

Ordinance transferring jurisdiction of certain unimproved real property located on Roosevelt Way and Henry Street (Block 2612, Lot 50) from the Mayor's Office of Housing to the Recreation and Park Department.
8/2/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051382 [Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) - include Entertainment Commission and Emergency Medical Services in review process]
Supervisor Daly

Ordinance amending San Francisco Traffic Code Section 800 to include the Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT); amending Section 801 to require emergency medical services plans for "major events" and the inclusion of the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) in approval process for major event applications; amending Section 802 to expand definition of "major Events" to include street fairs; amending Section 804 to require Clerk of the Board of Supervisors to transmit copies of any legislation approving a temporary street closing for major events to the Director of EMSEO; amending Section 806 to include the Executive Director of the Entertainment Commission in the review process of applications for temporary use of streets for street fairs; amending San Francisco Administrative Code Section 90.4 to require permit applicants for major events to submit an emergency medical services plan to the Entertainment Commission for consideration in the approval of permit applications for major events.
8/2/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/1/2005.

051034 **[Prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin]**
Supervisors Ma, Dufty, Daly

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

6/7/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

8/2/05, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Daly called this measure from City Operations and Neighborhood Services Committee for Board consideration August 9, 2005.

Resolutions

051381 **[Potrero-Hunters Point 115 kV Cable Project Property License]**
Supervisor Maxwell

Resolution approving Port License No. 13873, a non-exclusive sixty-six (66) year license between the Port and Pacific Gas and Electric Company (PG&E) for the use of Port property along the route for the Potrero-Hunters Point 115 kV Cable Project, in the vicinity of Illinois Street, 23rd Street, Tennessee Street, Marin Street and Evans Avenue, between Selby and Third Street.

8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051383 **[Proclaiming Friday, August 5, 2005 as DeLavallade Family Day in San Francisco]**
Supervisor Maxwell

Resolution proclaiming August 5, 2005 as DeLavallade Family Day in San Francisco.

8/2/05, ADOPTED.

051384 **[AIDS Pandemic in Brazil]**
Supervisors Ammiano, Daly, Mirkarimi, Dufty

Resolution urging Abbott, Merck and Gilead corporations to expedite the issuance of voluntary AIDS/HIV drug licenses to the country of Brazil in order to save tens of millions of lives in Brazil and throughout the developing world and to raise the standard of corporate global citizenship and exemplify extraordinary compassion in corporate business practices that will contribute to mitigation of the worldwide AIDS/HIV pandemic.

8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051385 **[Commending National Night Out and declaring August 2, 2005, as "National Night Out Day" in the City and County of San Francisco]**
Supervisor Ma

Resolution commending National Night Out for the relationships and partnerships it has built in our communities and declaring August 2, 2005, to be "National Night Out Day" in the City and County of San Francisco.

8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051386 [San Francisco City Hall Docent Day]
Supervisor Peskin

Resolution declaring September 27, 2005, "San Francisco City Hall Docent Day" in San Francisco.
8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051389 [Commending the Horizons Foundation of San Francisco for its work serving the Lesbian, Gay, Bisexual, and Transgender people and organizations of San Francisco]
Supervisors Sandoval, Dufty

Resolution commending Horizons Foundation of San Francisco for its work serving the lesbian, gay, bisexual, and transgender community of San Francisco on the occasion of its 25th anniversary.
8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051387 [Temporary Occupancy of Commercial Vehicle Parking Meters]
Supervisor Peskin

Resolution enacting temporary occupancy of a portion of the commercial vehicle parking meters on the north side of Post Street between Kearny and Montgomery from 8:30 am to 5:00 pm on every Thursday beginning July 14, 2005 through November 30, 2005.
8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

051388 [Authorizing preparation of Proponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 8, 2005 Election]
Supervisor Peskin

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 8, 2005 Election.
8/2/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

051065 [Zoning Map Amendment for 425 Mason Street]
Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 425 Mason Street, and identified as Assessor's Block No. 0306, Lot No. 002, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)
7/25/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/1/2005.

051349 **[Settlement of Lawsuit - Shao Xi Tan]**

Ordinance authorizing settlement of the lawsuit filed by Shao Xi Tan against the City and County of San Francisco for $80,000; the lawsuit was filed on August 22, 2003 in the United States District Court, Case No. C03-3907 MMC; entitled Shao Xi Tan, et al. v. City and County of San Francisco, et al. (City Attorney)

7/22/05, RECEIVED AND ASSIGNED to Rules Committee.

051350 **[Settlement of Lawsuit - San Francisco Bay Area Transit District]**

Ordinance approving settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total value of $2,750,000. (City Attorney)

7/22/05, RECEIVED AND ASSIGNED to Rules Committee.

051354 **[Settlement of Lawsuit - George Q. Chen]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against George Q. Chen, for a payment to the Airport in the amount of $113,800.00, and on certain other terms; the lawsuit was filed on December 1, 2003, in United States Bankruptcy Court for the Northern District of California, Adversary Case No. 03-3713 DM and entitled City and County of San Francisco v. George Q. Chen. (City Attorney)

7/25/05, RECEIVED AND ASSIGNED to Rules Committee. Department requests this matter be scheduled for consideration at the August 3, 2005 meeting.

051398 **[Mission Bay South – Ordering Street Vacation of portions of Fourth Street]**

Ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Public Works Department)

7/25/05, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

051308 **[Special Assessment of Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., Section 108, Section 110 - Tables 1-K, and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Department)

7/22/05, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 9, 2005, at 3:00 p.m.

051351 **[Settlement of Claim - Andrea Runge]**

Resolution approving the settlement of the unlitigated claim by Andrea Runge against the City and County of San Francisco and Michael Scott for $45,000. (City Attorney)

7/22/05, RECEIVED AND ASSIGNED to Rules Committee.

051352 **[Outreach Advertising]**

Resolution designating El Reportero to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; and, the San Francisco Bay View to be the outreach newspaper of the City for the African American community to provide outreach advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006.

7/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051397 **[Mission Bay South - Street Vacation of Portions of Fourth Street]**

Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of Fourth Street within Mission Bay South from Third Street north to Channel Street; setting the hearing date for all persons interested in the proposed vacation of the street area; adopting findings that the proposed vacation is consistent with the San Francisco General Plan and eight priority policies of San Francisco Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; and making environmental findings. (Public Works Department)

7/25/05, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:53 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES - DRAFT

VOTES

Tuesday, August 9, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong	2nd Monday (Bi-Monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll the following Supervisor Ammiano was noted absent.

Supervisor Ammiano was previously excused from attending today's meeting. (See Infra)

Quorum present.

Supervisor Ammiano Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Ammiano from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to approve the July 12, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

CONSENT AGENDA

Recommendations of Budget and Finance Committee

050935 **[Authorizing permits to exempt itinerant School District teachers and administrators from Residential Parking Permit regulations]**
Supervisors Ammiano, Mirkarimi, Ma

Ordinance amending the San Francisco Traffic Code by amending section 308.3 to authorize the Director of Parking and Traffic to issue permits that would exempt itinerant teachers and designated school administrators employed by the San Francisco Unified School District from Residential Permit Parking regulations, and setting a fee for such permits.

FINALLY PASSED

051191 **[Airport Food and Beverage Lease]**

Resolution approving the Terminal 1 Casual Dining & Bar Lease between WSE Group, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

050219 **[Creation of Motorcycle Only Parking Zones]**

Supervisor Mirkarimi

Resolution designating motorcycle only parking zones at curb spaces fronting the properties of 1015 Irving Street, 1365 9th Avenue, 1367 9th Avenue, 1300 8th Avenue, 1299 8th Avenue, and 1271 9th Avenue on a twenty-four hour, seven day a week basis and requiring appropriate signage.

ADOPTED

050849 **[Liquor License, 377 Hayes Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1449 Lombard Street to 377 Hayes Street to David M. Bass and Mi Hui Bass for Sugar Lounge will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

050950 **[Liquor License, 510 Larkin Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1312 Polk Street to 510 Larkin Street to Paul Xavier, Douglas Cox and David C. Kapp for DECO Lounge will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

051059 **[Liquor License, Two Embarcadero Center - Street Level in the Financial District]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Mark A. Dirsa, for WINE located at Two Embarcadero Center – Street Level, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

051195 **[Liquor License, 2001 Polk Street]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 2458 Polk Street to 2001 Polk Street to Ray Bair for Cheese Plus will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

Severed from the Consent Agenda

Supervisor Ma requested that this matter be severed so that it might be considered separately

Supervisor Ma Excused from Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Ammiano, Ma

051258 **[Golf Fees - Cost of Living, McLaren Park]**
Supervisor McGoldrick

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by amending Sec. 12.20 to authorize an annual cost of living increase in golf fees; and adding Sec. 12.37 to establish fees for Gleneagles Course at McLaren Park.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Ammiano, Ma

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

050865 **[Rincon Hill Area Plan: Imposing development impact fees for the provision of necessary community infrastructure in DTR Districts]**
Supervisor Daly

Ordinance amending the Planning Code by adding Section 318 to impose community improvement impact fees of $11 per square foot on residential development in the DTR districts and surrounding areas to provide necessary community improvements and enhance property values in the district by helping to fund the construction and reconstruction of streets, streetscaping, parks, community centers, and other public infrastructure, to impose a SOMA community stabilization impact fee of $14 per square foot on residential development in the Rincon Hill Area Plan to provide community stabilization benefits in SOMA including affordable housing, economic development and community cohesion; amending the Zoning Map of the City and County of San Francisco to change Maps 1, 1H, and 1SU for the area generally bounded by Folsom Street to the north, The Embarcadero to the east, Bryant Street and the north side of the Bay Bridge to the south, and Essex Street to the west for the blocks and lots described below; and amending the San Francisco Planning Code by adding Sections 825, 825.1, 826, and 827 to create Downtown Residential (DTR) districts, establish DTR districts in Transbay and Rincon Hill, and specify the uses permitted in Downtown Residential districts; by adding Sections 145.4, 151.1, 152.2, 155.5, 166, 167, 175.7 and 263.19 to impose requirements for street frontages, permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, separating parking costs from housing costs, exempting certain pipeline projects from the new controls, and limiting podium and tower heights in the R bulk district; by adding Section 309.1 establishing procedures for permit review in DTR districts; and by amending Section 102.5 (District), Section 135 (Usable Open Space for Dwelling Units and Group Housing), Section 141 (Screening of Rooftop Features), Section 151 (Required Off-Street Parking Spaces), Section 152 (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market), Section 153 (Rules for Calculation of Required Spaces), Section 154 (Dimensions for Off-Street Parking, Freight Loading and Service Vehicle Spaces), Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities), Section 182 (Nonconforming Uses), Section 201 (Classes of Use Districts), Section 207.5 (Density of Dwelling Units in Mixed Use Districts), Section 209 (Uses Permitted in R Districts), Section 249.1 (Rincon Hill Special use District), Section 260 (Height Limits; Measurement), Section 270 (Bulk Limits; Measurement), Section 608.13 (Rincon Hill Area), Section 802.1 (Mixed Use Districts), Section 803 (Mixed Use District Requirements), Section 803.5 (Additional Provisions Governing Uses in Mixed Use Districts), and Section 809 (Guide to Understanding the Mixed Use District Zoning Controls) to conform these sections with the new DTR district controls; adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.and making findings.
Version 4. (Planning Department)

FINALLY PASSED by the following vote:
Ayes: 8 - Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 1 - Ammiano

Recommendations of the Government Audit and Oversight Committee

050919 **[Capital Planning Fund]**
Supervisor Elsbernd

Ordinance establishing a Capital Planning Fund to Receive and Expend Funds for Preliminary Design, Planning and Cost-Estimating of Major Capital Expenditure Projects.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

050920 **[San Francisco Capital Planning Plan and Committee]**
Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by repealing Sections 3.20, 3.21, 3.22 and 3.23 in their entirety; adding new Sections 3.20 and 3.21 to establish a requirement for a ten-year capital plan and to replace the Capital Improvements Advisory Committee with the Capital Planning Committee, to assign administrative responsibilities to the City Administrator, to broaden committee membership, and to clarify the committee's mission.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

From the Board

051192 **[Resolution to establish the North of Market/Tenderloin Community Benefit District]**
Supervisor Daly

Resolution establishing a property-based business improvement district to be known as the "North of Market/Tenderloin Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, and making environmental findings.

The Clerk of the Board announced the tabulations of the North Of Market/Tenderloin Community Benefit District.
Voting For: 40.97%
Voting Against: 21.73%

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051220 **[Parking Fine Penalty Schedule]**
Ordinance amending San Francisco Traffic Code Section 132 to reference the correct California Vehicle Code subsection for covering a license plate. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051231 **[Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the Cash Revolving Fund of the Department of Building Inspection from $200 to $600.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

050850 **[Emergency Construction Contract]**

Resolution requesting the Board of Supervisors to approve the expenditure of funds for emergency slope and drainage repair at the SFPUC Harry Tracy Water Treatment Plant, in the amount of $2.5 million. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Recommendation of the City Operations and Neighborhood Services Committee

050591 **[Inclusion of transit, pedestrian, and bicycle improvements as part of street improvement projects]**
Supervisor Mirkarimi

Ordinance amending the Public Works Code to add Section 2.4.13 to require the integration of transit, pedestrian, and bicycle improvements as part of the planning, construction, reconstruction, or repaving of public right-of-ways.

Amended on page 2, line, 5, after ""Municipal Transportation Agency" by inserting "the Department of Public Health".

AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Peskin
Excused: 1 - Ammiano

Recommendations of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Ma assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051333 [Tourist Hotel Conversion]

Supervisors Peskin, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval

Ordinance amending the San Francisco Administrative Code to add Chapter 41F to prohibit the conversion of existing tourist hotel structures with 100 or more tourist guest rooms to condominium projects or dwelling units, with certain exceptions; and adopting findings, including environmental findings.

Supervisor Peskin, seconded by Supervisor Dufty, moved an amendment of the whole bearing same title.
Motion to amend carried without objection.

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to amend by replacing "18 months" with "6 months" and by replacing "100 tourist guest rooms" with "50 tourist guest rooms".
Motion to amend failed by the following vote:
Ayes: 5 - Alioto-Pier, Elsbernd, Ma, McGoldrick, Sandoval
Noes: 5 - Daly, Dufty, Maxwell, Mirkarimi, Peskin
Excused: 1 - Ammiano

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to continue to August 16, 2005.
Motion to continue failed by the following vote:
Ayes: 5 - Alioto-Pier, Elsbernd, Ma, McGoldrick, Sandoval
Noes: 5 - Daly, Dufty, Maxwell, Mirkarimi, Peskin
Excused: 1 - Ammiano

Supervisor Peskin, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051219 **[Freeway Maintenance Agreement for Central Freeway Replacement Project]**

Resolution authorizing the City and County of San Francisco's Director of Public Works to execute a Freeway Maintenance Agreement with the State of California, acting by and through its Department of Transportation apportioning maintenance responsibilities for the Central Freeway Replacement Project. (Public Works Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051128 **[Designate 1110 Taylor Street, the Glazer-Keating as as a Landmark]**

Supervisor Peskin

Ordinance Designating 1110 Taylor Street, the Glazer-Keating House, As Landmark No. 251 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

050851 [Vacation of a portion of Bernal Heights Boulevard]

Resolution declaring the intention of the Board of Supervisors to vacate a portion of Bernal Heights Boulevard west of Moultrie Street and transfer jurisdiction from the Department of Public Works to the Recreation and Park Department; setting the hearing date, September 13, 2005 at 3:00 p.m., for all persons interested in the proposed vacation of the street vacation area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Land Use Committee Without Recommendation

050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

(To be heard at a public hearing on September 13, 2005 at 3:00 p.m.)

Continued to September 13, 2005 at 3:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Called From the City Operations and Neighborhood Services Committee

051034 [Prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin]

Supervisors Ma, Dufty, Daly, Sandoval

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

Continued to August 16, 2005
Supervisor Sandoval requested to be added as a co-sponsor.

Supervisor Daly moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:00 P.M

051307 **[Public Hearing]**

Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., Section 108, Section 110 - Tables 1-K, and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Bob Noelke, and Leo McFadden, representatives from the Department of Building Inspection.
Jay Wong, Property Owner 505 -26th Avenue, Property Owner, 737 London Street, Joan Class Levin, Property owner of property located on the Filbert steps

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

051308 **[Special Assessment of Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., Section 108, Section 110 - Tables 1-K, and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051309 **[Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.

Scott Nakamura, representative of the Department of Public Health.
There were no speakers from the public.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

051310 **[Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051318 **[Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
There were no speakers from the public.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

051319 **[Unpaid DPH Delinquent Refuse Service payment liens to become special assessments to the property taxes]**

Resolution confirming report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:30 P.M

050971 **[Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Harry Gulbengay, representative of the Department of Public Works
Property owner of 411-15th Avenue.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

050972 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(DPW Order No. 175, 630; Locations: 131-133 Carl Street; 201 Capra Way; 411-15th Avenue.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Sandoval, seconded by Supervisor Daly, moved to rescind the previous vote.

Amended by deleting the property located at 131-133 Carl Street from the sidewalk assessment costs report.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Sandoval introduced, welcomed and presented Certificate of Honors to members of the Mission Council's Intensive Outpatient Program.
Supervisor Peskin, introduced, welcomed and presented a Certificate of Honor to coordinators of the "Maori Art Meets America" art exihibit.

SPECIAL ORDER 4:00 P.M.

051222 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.
Continued to September 20, 2005

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051223 [Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051224 [Disapproving the categorical exemption issued for 899 North Point Street]

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051225 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 4:00 P.M.

051320 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 39 Chattanooga Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 13, 2005 (Case No. 2003.0415E), exempting from environmental review under Categorical Exemption State CEQA Guidelines, Section(s) 15301(e)(2), Existing Facilities. The project would construct an addition to an existing single family residence without off-street parking, to accommodate two dwelling units and two parking spaces (one with independent access). The existing 840-suqre foot (sq.ft.), one-story-over basement, single-family residence is approximately 14 feet tall. The proposed addition would expand the existing site development to contain two dwelling units (approximately 1,299 sq.ft. and 2,695 sq.ft. = 3,994 total sq.ft., a net increase for the site of approximately 3,154 sq.ft.) The project would: (1) raise the existing one-story-over basement, single-family dwelling approximately seven feet in height, and move it forward, reducing the existing 20-foot front setback to approximately 10 feet; (2) demolish the existing rear 20-foot extension (kitchen/porch/stairs); (3) construct a new three-story-over basement addition with an allowable 12-foot extension of one-story-over basement at the rear, and; (4) establish two dwelling units on the property. The finished height of the existing building would be approximately 21 feet to the midpoint of the pitched roof. The finished height of the addition at the rear would be approximately 30 feet to the top of the sloped roof. The project would modify the front façade of the existing building to accommodate a new entrance and a nine-foot-wide garage opening. The approximately 3,250 sq. ft. project site, (Assessor's Block 3619, Lot 077), is located on the east side of Chattanooga Street, on the block bounded by Church, 21st, Dolores and 22nd Streets. The site is within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District. (Appellant: Susan Brandt-Hawley on behalf of Chattanooga Street/Golden Fireplug Historic District Friends.)

(Filed June 17, 2005; companion measure to Files 051321, 051322, 051323; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board.
Susan Brandt-Hawley, Attorney and F. Jospeh Butler, Architect for the appellant (Chattanooga Street/Golden Fireplug Historic District Friends)
Katherine Petrin, support of appellant, Nan Roth, support of appellant, Vickie Rosen, support of appellant, Susan Ruthberg, support of appellant, Glad Harris, support of appellant, Courtney Clarkson, support of appellant, Judith, support of appellant, Charlie Barren, support of appellant, Janet Macks, support of appellant, Donald Langley. support of appellant, Terry Mill, support of appellant, Pamela Faulk, support of appellant, Clifford Anderson, support of appellant, Elaine Clemson; support of appellant, Barbara Levy; support of appellant, Joe Ammarian; support of appellant, Myra Leff; support of appellant,
Sue Hestor, support of appellant

Paul Maltzer, Environmental Officer, and Neil Hart, Planning Department representatives reviewed with the Board the Planning Department's recommendation.
Steven Vittel, Attorney for project sponsor, John Williams
John Williams, Project sponsor, Bill Sagai, support of project sponsor

Rebuttal Period: Susan Brandt-Hawley, Attorney for appellant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051321 **[Affirming the categorical exemption issued for 39 Chattanooga Street]**

Motion affirming the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051322 **[Disapproving the categorical exemption issued for 39 Chattanooga Street]**

Motion disapproving the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051323 **[Preparation of findings related to the categorical exemption issued for 39 Chattanooga Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 39 Chattanooga Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

COMMITTEE REPORTS

051005 **[Cable Television Franchise Amendments]**

Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

Continued to August 16, 2005

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051006 **[Settlement of Claims - Comcast of California III, Inc.]**
Mayor

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

Continued to August 16, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051358 **[Appropriate General Obligation Bond sale proceeds from the 2005A and 2005I series to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works]**
Supervisor Elsbernd

Ordinance appropriating $39,328,014 of General Obligation Bond proceeds from the sale of the 2005A Series and appropriating, and placing on reserve, $69,000,000 from the General Obligation Bond proceeds from the 2005I Series for a total of $108,328,014 to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works for fiscal year 2005-06.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Ammiano

051359 **[Laguna Honda Hospital General Obligation Bond Sale]**
Supervisor Elsbernd

Resolution authorizing and directing the sale of an issue of not to exceed $69,000,000 City and County of San Francisco General Obligation Bonds (Laguna Honda Hospital, 1999), Series 2005I; approving the form and execution of a Declaration of Trust; approving the forms of an Official Notice of Sale and a Notice of Intention to Sell Bonds; authorizing the solicitation of competitive bids for the sale of the Bonds; approving the form, execution and distribution of an Official Statement; approving the form of and authorizing the City's compliance with a Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Maxwell provided the Board an update on the League of Cities on which she represents the Board of Supervisors.

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with issues relating to the Iraq war and events after 9/11/01
James Chaffee; expressed concern with issues relating to the SF Library
Tom McDonagh; showed interest with issues relating to Laguna Honda Hospital
John DiDonna; showed interest with issues relating to gay liberation and sexual liberation
Female speaker; expressed concern with issues relating to hospital and police matters

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051381 **[Potrero-Hunters Point 115 kV Cable Project Property License]**
Supervisor Maxwell

Resolution approving Port License No. 13873, a non-exclusive sixty-six (66) year license between the Port and Pacific Gas and Electric Company (PG&E) for the use of Port property along the route for the Potrero-Hunters Point 115 kV Cable Project, in the vicinity of Illinois Street, 23rd Street, Tennessee Street, Marin Street and Evans Avenue, between Selby and Third Street.

ADOPTED

051384 **[AIDS Pandemic in Brazil]**
Supervisors Ammiano, Daly, Mirkarimi, Dufty

Resolution urging Abbott, Merck and Gilead corporations to expedite the issuance of voluntary AIDS/HIV drug licenses to the country of Brazil in order to save tens of millions of lives in Brazil and throughout the developing world and to raise the standard of corporate global citizenship and exemplify extraordinary compassion in corporate business practices that will contribute to mitigation of the worldwide AIDS/HIV pandemic.

ADOPTED

051385 **[Commending National Night Out and declaring August 2, 2005, as "National Night Out Day" in the City and County of San Francisco]**
Supervisor Ma

Resolution commending National Night Out for the relationships and partnerships it has built in our communities and declaring August 2, 2005, to be "National Night Out Day" in the City and County of San Francisco.

ADOPTED

051386 **[San Francisco City Hall Docent Day]**
Supervisors Peskin, Elsbernd

Resolution declaring September 27, 2005, "San Francisco City Hall Docent Day" in San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

051389 **[Commending the Horizons Foundation of San Francisco for its work serving the Lesbian, Gay, Bisexual, and Transgender people and organizations of San Francisco]**
Supervisors Sandoval, Dufty

Resolution commending Horizons Foundation of San Francisco for its work serving the lesbian, gay, bisexual, and transgender community of San Francisco on the occasion of its 25th anniversary.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Severed For Adoption Without Reference to Committee

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately

051388 **[Authorizing preparation of Proponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 8, 2005 Election]**
Supervisor Peskin

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 8, 2005 Election.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

APPROVED AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051412 **[Commending Giants Manager Felipe Alou]**
Supervisors Daly, Sandoval

Resolution commending San Francisco Giants Manager Felipe Alou for his stance against racist comments of Larry Krueger on KNBR and advocacy for Latino players and the Latino community.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051377 **[Settlement of Lawsuit - Daniel Curiel]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Curiel against the City and County of San Francisco for $31,420.11; the lawsuit was filed on April 14, 2003 in San Francisco Superior Court, Case No. 419-362; entitled Daniel Curiel, et al., v. City and County of San Francisco, et al. (City Attorney)

8/1/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051361 **[Professional services agreement to provide to perform professional engineering services]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute and amend a professional services agreement with URS Corporation for an amount not to exceed $12,000,000 to provide professional engineering services for the Calaveras Dam Replacement Project. (Public Utilities Commission)

7/29/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051373 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING, 10 PM TO 6 AM, EVERYDAY - ESTABLISH
Alemany Boulevard, both sides, between Sagamore and Crystal Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Red Rock Way, from the driveway of #15 and #55 Red Rock Way driveway to 34 feet northerly and from the same driveway to 27 feet westerly.

NO PARKING ANYTIME - RESCIND
Wright Street, north side, from Holladay Avenue to Montcalm Street

RED (NO PARKING ANYTIME) ZONE - ESTABLISH
Montcalm Street, east side, from 126 feet north of York Street to 55 feet northerly

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Washburn Street, east side, from 56 feet to 120 feet north of Howard Street

RESIDENTIAL PERMIT PARKING AREA "L" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Rossi Avenue, west side, between Anza Street and Turk Boulevard (Unit block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lincoln Way, north side, from 41st Avenue to 100 feet easterly.

RESIDENTIAL PERMIT PARKING "A" AND "C" - RESCIND
PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

Broadway, south side, from Powell Street to 80-feet westerly

PARKING METERS, AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM MONDAY THROUGH SATURDAY) - RESCIND
PARKING METERS, AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 7 AM - 7 PM EVERYDAY) - ESTABLISH
Bay Street, south side, between Taylor and Mason Streets.

PARKING METERS, AREA NO. 4, (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
PARKING METERS, AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM MONDAY THROUGH SATURDAY) - ESTABLISH
Mason Street, west side, from Bay Street to 65 feet southerly.

PARKING METERS, 2-HOUR, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY -ESTABLISH
Bryant Street, west side, between 18th and Mariposa Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Larkin Street, west side, between the north and south Fulton Street crosswalks.

TOUR BUS PARKING ONLY (15- MINUTE PARKING TIME LIMIT), 8 AM - 6 PM, EVERYDAY - ESTABLISH
Fulton Street, north side, between 115 feet east of Larkin Street and 125 feet west of Hyde Street (adds time limit to existing zone). (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

7/28/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051374 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

20th Avenue and Pacheco Street, stopping Pacheco Street at 20th Avenue, making this intersection an All-Way STOP;

La Playa and Judah Streets, stopping northbound La Playa Street, south of the Judah intersection in front of 1400 La Playa Street; and,

La Playa and Judah Streets, stopping westbound Judah Street at La Playa Street on the south side of 1396 La Playa Street. (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

7/28/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051375 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET - ESTABLISH

Wright Street, from Montcalm Street to Holladay Avenue, eastbound

MULTIPLE LEFT TURN LANES - RESCIND

Main Street, northbound, at Market Street (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

7/28/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051376 **[Settlement of Claim - David Caimotto]**

Resolution approving the settlement of the unlitigated claim for disability discrimination filed with the Equal Employment Opportunity Commission (EEOC) by David Caimotto against San Francisco for $101,000; claim was filed on December 28, 2004. (City Attorney)

8/1/05, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:36 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, August 16, 2005 2:00 PM

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AUG 19 2005
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PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong	2nd Monday (Bi-Monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll the following Supervisor Ammiano was noted absent.

Supervisor Ammiano was noted present at 2:07 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the July 19, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051220 **[Parking Fine Penalty Schedule]**

Ordinance amending San Francisco Traffic Code Section 132 to reference the correct California Vehicle Code subsection for covering a license plate. (Parking and Traffic Department)

FINALLY PASSED

051231 **[Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the Cash Revolving Fund of the Department of Building Inspection from $200 to $600.

FINALLY PASSED

051256 [Sale of Surplus Property located at Manzano Way at Oak Creek Way in the City of Sunnyvale, Santa Clara County]

Resolution approving the public auction sale of unimproved surplus real property located on Manzano Way at Oak Creek Way in the City of Sunnyvale, Santa Clara County for a purchase price of $690,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendation of the Land Use Committee

051128 [Designate 1110 Taylor Street, the Glazer-Keating as a Landmark]

Supervisor Peskin

Ordinance Designating 1110 Taylor Street, the Glazer-Keating House, As Landmark No. 251 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

FINALLY PASSED

Recommendations of the Rules Committee

051349 [Settlement of Lawsuit - Shao Xi Tan]

Ordinance authorizing settlement of the lawsuit filed by Shao Xi Tan against the City and County of San Francisco for $80,000; the lawsuit was filed on August 22, 2003 in the United States District Court, Case No. C03-3907 MMC; entitled Shao Xi Tan, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051350 [Settlement of Lawsuit - San Francisco Bay Area Transit District]

Ordinance approving settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total value of $2,750,000. (City Attorney)

PASSED, ON FIRST READING

051377 [Settlement of Lawsuit - Daniel Curiel]

Ordinance authorizing settlement of the lawsuit filed by Daniel Curiel against the City and County of San Francisco for $31,420.11; the lawsuit was filed on April 14, 2003 in San Francisco Superior Court, Case No. 419-362; entitled Daniel Curiel, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051376 [Settlement of Claim - David Caimotto]

Resolution approving the settlement of the unlitigated claim for disability discrimination filed with the Equal Employment Opportunity Commission (EEOC) by David Caimotto against San Francisco for $101,000; claim was filed on December 28, 2004. (City Attorney)

ADOPTED

051351 **[Settlement of Claim - Andrea Runge]**

Resolution approving the settlement of the unlitigated claim by Andrea Runge against the City and County of San Francisco and Michael Scott for $45,000. (City Attorney)

ADOPTED

051269 **[Agreement for Tolling of Statute of Limitations Governing Claim]**

Resolution approving the City Attorney's entry into a tolling agreement governing claim by USDA Forest Service filed February 2, 2005 arising from Stanislaus National Forest fire of August 9, 2004. (City Attorney)

ADOPTED

051423 **[Appointment - Treasury Oversight Committee]**

Resolution appointing Philip Day, Jr., term ending June 5, 2009, to the Treasury Oversight Committee.

Philip Day, Jr., succeeding himself, term expired, seat 1, must the Chancellor of the Community College District or his/her designee, for the unexpired portion of a four-year term ending June 5, 2009.

ADOPTED

051424 **[Appointment - Commission on the Aging Advisory Council]**

Resolution appointing William Hollabaugh, term ending March 31, 2007, to the Commission on the Aging Advisory Council.

William Hollabaugh, succeeding himself, term expired, seat 11, must be nominee of District 9 Supervisor, for the unexpired portion of a two-year term ending March 31, 2007.

ADOPTED

051425 **[Appointment - Bicycle Advisory Committee]**

Resolution appointing Lisa Estrella, term ending November 19, 2006, to the Bicycle Advisory Committee.

Lisa Estrella, succeeding Janice Voorsluys, seat 4, resigned, must be nominee of District 4 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

ADOPTED

051428 **[Appointment - Arts Task Force]**

Resolution appointing Karen Ames, term ending November 1, 2005, to the Arts Task Force.

Karen Ames, succeeding Ronald Gallman, seat 13, resigned, must serve as a director, staff member or board member of a non-profit arts organization based in San Francisco with an annual budget exceeding five million dollars, for the unexpired portion of a six-month term ending November 1, 2005.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

050591 [Inclusion of transit, pedestrian, and bicycle improvements as part of street improvement projects]
Supervisor Mirkarimi

Ordinance amending the Public Works Code to add Section 2.4.13 to require the integration of transit, pedestrian, and bicycle improvements as part of the planning, construction, reconstruction, or repaving of public right-of-ways.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Peskin

Recommendation of the Government Audit and Oversight Committee

051358 [Appropriate General Obligation Bond sale proceeds from the 2005A and 2005I series to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works]
Supervisor Elsbernd

Ordinance appropriating $39,328,014 of General Obligation Bond proceeds from the sale of the 2005A Series and appropriating, and placing on reserve, $60,111,842 from the General Obligation Bond proceeds from the 2005I Series for a total of $99,439,856 to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works for fiscal year 2005-06.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

051333 [Tourist Hotel Conversion]
Supervisors Peskin, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval

Ordinance amending the San Francisco Administrative Code to add Chapter 41F to prohibit the conversion of existing tourist hotel structures with 100 or more tourist guest rooms to condominium projects or dwelling units, with certain exceptions; and adopting findings, including environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

051005 **[Cable Television Franchise Amendments]**
Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

Continued to September 13, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

051006 **[Settlement of Claims - Comcast of California III, Inc.]**
Mayor

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

Continued to September 13, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

CLOSED SESSION

051408 **[Closed Session - Potential Litigation, Comcast of California III]**
Supervisor McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation and a settlement involving the City related to the renewal of the cable franchise for Comcast of California III. The settlement resolves the City's unlitigated claims against Comcast California III for $3.5 million, extends the franchise for 4 years, and modifies the terms of the franchise in several ways, including increasing funding for public access, educational and government programming. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to convene in Closed Session

Continued to September 13, 2005. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 6:41p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 7:18 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 10

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Cheryl Adams, Deputy City Attorney
Theresa Mueller, Deputy City Attorney
William Lowrey, Miller & Van Eaton, Outside Counsel
Chris Vein, Acting Director, DTIS
Brian Roberts, DTIS
Ron Vinson, Acting Administrator, DTIS
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051257 **[Sweatfree Ordinance]**

Mayor, Supervisors Ammiano, Alioto-Pier, Daly, Mirkarimi, Maxwell, McGoldrick, Dufty, Ma, Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)

Supervisor Sandoval requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051122 **[IHSS Contract Modification Approval – San Francisco IHSS Public Authority]**

Resolution retroactively approving the modification of the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority, which expires on June 30, 2006, for the provision of health and dental benefits to IHSS Independent Providers, in the amount of $11,872,058, for a total contract amount of $68,190,161. (Human Services Department)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051123 **[IHSS Contract Approval – IHSS Consortium of San Francisco]**

Resolution retroactively approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2005 to June 30, 2008, in the amount of $51,433,291. (Human Services Department)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

051239 **[Lease of Real Property at One South Van Ness Avenue]**

Resolution authorizing the exercise of an option to lease 66,351 square feet of space on the fifth floor at One South Van Ness Avenue for the Mayor's Office of Housing and the Mayor's Office of Community Development and authorizing a 39,644 square foot sublease of such area to the San Francisco Redevelopment Agency. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Ammiano, Daly, Sandoval

Recommendations of the Land Use Committee

050739 **[SLI Zoning District - Allowing Certain Financial Services]**
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Table 817 to add Section 817.32 allowing a financial service use in an SLI (Service/Light Industrial) Zoning District under certain circumstances; adopting findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051121 **[Street Encroachment at 815 Francisco Street]**

Resolution granting revocable permission to Launce E. Gamble, Trustees, to occupy a portion of the public right-of-way to construct and maintain a new two-car garage, to encroach approximately 28 feet into the unimproved public sidewalk right-of-way, as per existing neighborhood pattern, fronting 815 Francisco Street (Block 0048, Lot 019), conditioned upon the payment of an annual assessment fee of $4,800, and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 PM

Board of Supervisors Sitting as a Committee of the Whole

051434 [Public Hearing]

Hearing of persons interested in or objecting to a proposed Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Jeff Adachi; Public Defender, expressed concern with the exhibit
John Sun, expressed concern with the exhibit
Male speaker, expressed concern with the exhibit
Victor Yu, Chinese News reporter; expressed concern with Chinese Labor issues and human remains

The President declared the public hearing closed.

Department of Public Health representative reviewed with the Board their investigation.
Chief Medical Examiner reviewed with the Board both the San Francisco and the State policies relating to procedures regarding information regarding to body donations.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

Called From the City Operations and Neighborhood Services Committee

051034 **[Prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin]**
Supervisors Ma, Dufty, Daly, Sandoval

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved Privilege of the Floor

to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Ruth Dewsom in recognition of her co-production of the play "Crowns" and for her community activism.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to San Francisco Police Captain Rick Bruce in recognition of his retirement.

SPECIAL ORDER 4:00 P.M.

051226 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 800 Brotherhood Way]

Hearing of persons interested in or objecting to the decision of the Planning Department, certified on May 19, 2005, approving a Final Mitigated Negative Declaration (Case No. 2003.0536E), for the proposed construction of up to 182 dwelling units on an approximately 7.7 acre undeveloped site located on the north side of Brotherhood Way, west of Chumasero Drive, east of Lake Merced Boulevard. The project would involve subdividing the site into about 121 lots and constructing 60 single-family homes and 61 2-unit dwellings. The 121 buildings would be between 3 and 4 stories tall, with heights up to 40 feet, and would total about 444,273 gross square feet. A mix of independently accessible and tandem parking spaces would be provided, for a total of 364 off-street parking spaces. Twenty-one on-street parking spaces would also be created along a new two-way internal private loop road. Access to the site would be via a new driveway on the unimproved portion of the north side of Brotherhood Way abutting the site. There would be a traffic signal at the new access driveway and Brotherhood Way intersection that would be interconnected with the existing signals at Brotherhood Way/School (Church) Access Road, located about 330 feet to the west, and the Chumasero Drive/Brotherhood Way intersection, about 560 feet to the east. The project site is located in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District. The proposed project would require approval of a Conditional Use Authorization for a Planned Unit Development and exceptions for minimum lot sizes, minimum rear yards depths, and bay window dimension. (Appellants: June 17, 2005, filed by Julian P. Lagos on behalf of ParkMerced Residents Association; June 20, 2005, filed by Adena Rosmarin on behalf of Lakeshore Acres Improvement Club.)

(Companion measure to Files 051227, 051228, 051229; District 7.)

Adena Rosmarin, on behalf of Lakeshore Acres Improvement, appellant
Julian Lagos, on behalf of Park Merced Residents, appellant
Honorable Quentin L. Kopp, support of appellant
Charlie Abrams, traffic engineer; support of appellant
David Bishio, West of Twin Peaks Council; support of appellant
Carlos; support of appellant
Nick Davis; support of appellant
Andrew Danas; support of appellant
Beth Wiesberg, President of Beth Israel; support of appellant
Aran Collegian, Armenian Community; support of appellant
Linda Shaw, support of appellant
Marie Brooks, Lake Merced Church of Christ; support of appellant
Pastor of St. Thomas Moore Church; support of appellant
Male speaker; support of appellant
Male speaker; support of appellant
Gail Meadows; support of appellant
Male speaker; support of appellant
Male speaker; support of appellant
Pat Fitzgerald; support of appellant
Maria Alcada; support of appellant
Roseann Cashian, Bay Area Armenian Community; support of appellant
Rabbi Goodman; support of appellant
Maria Alcada; support of appellant
Male speaker; support of appellant
Resident of Park Merced; support of appellant
Resident; support of appellant
Robert Damlian, Calvary Armenian Church; support of appellant
Denise La Pointe; support of appellant

Paul Maltzer, Environmental Officer, and Bill Wycko, Planning Department representative reviewed with the Board the recommendation of the Planning Department.
Steve Vittel, Attorney for project sponsor
Steve Rider, Mission Valley Properties; support of project sponsor
Tim Colon, San Francisco Action Coalition; support of project sponsor
Ricardo Wallace; member of Lakeshore Acres, support of project sponsor

Robert Pender; support of project sponsor
Bert Hill; Bicycle Advisory Committee, support of project sponsor

Rebuttal Period by appellant:
Adena Rosmarin and Charlie Abrams

The President inquired as to whether or not any member of the public wished to address the Board.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051227 **[Affirming adoption of the negative declaration for 800 Brotherhood Way]**
Motion affirming Planning Commission adoption of the final negative declaration for 800 Brotherhood Way. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval

051228 **[Reversing adoption of the negative declaration for 800 Brotherhood Way]**
Motion reversing the Planning Commission adoption of the final negative declaration for 800 Brotherhood Way. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval

051229 **[Preparation of findings to reverse adoption of the negative declaration for 800 Brotherhood Way]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 800 Brotherhood Way. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval

COMMITTEE REPORTS

051379 **[Liquor License, 572 Castro Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Ken McDonald, for Friendly Spirits located at 572 Castro Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Library
Walter; showed interest in tigers and SFGOV TV
Eugene Gordon, Jr. showed interest in general issues
Michael Dane; showed interest in medical cannabis issues
B.J. Anthony Cabahug-Garcia; showed interest
Robert Pender, Vice President of Park Merced Association; showed interest in the possible sale of Park Merced

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051418 **[Committee of the Whole - August 16, 2005 at 3:00 PM]**
Supervisor Daly

Motion to sit as a Committee of the Whole on August 16, 2005 at 3:00 PM to hear File Number 051034 prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051409 **[Issuance and Sale of Revenue Bonds - 1030 Post Street Apartments]**
Supervisor Peskin

Resolution approving the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $7,000,000 for the financing of the acquisition and rehabilitation of the 1030 Post Street Apartments.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051419 **[Endorsing the Regional Measure 2 Late Night Owl Bus Service Proposal]**
Supervisor Dufty

Resolution endorsing the Regional Measure 2 Late Night Owl Bus Service Proposal.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051420 **[Urging the DPT to install a stop light at the intersection of Market and Hattie Streets]**
Supervisor Dufty

Resolution urging the Department of Parking and Traffic to install a stop light at the intersection of Market and Hattie Streets.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051421 **[Honoring Dr. Donald Abrams and the Community Consortium for their outstanding contributions to HIV/AIDS healthcare and research upon the 20th anniversary of the Consortium's establishment]**
Supervisor Dufty

Resolution honoring Dr. Donald Abrams and the Community Consortium for their outstanding contributions to HIV/AIDS healthcare and research upon the 20th anniversary of the Consortium's establishment.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051422 **[Accept-Expend Private Grant - Department on the Status of Women]**
Supervisor Ma

Resolution authorizing the Department on the Status of Women to accept retroactively and expend unexpended funds from a grant from The California Endowment, in the amount of $40,000, which funds shall be used to fund the design and implementation of a customized plan for raising multiple year operating funds by Woman Organized to Make Abuse Nonexistent, Inc. (W.O.M.A.N., Inc.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051429 **[Urging the MTA to approve the Arthur H. Coleman Medical Center community's request for sidewalk width reduction to establish perpendicular parking on Ingerson Street]**
Supervisor Maxwell

Resolution urging the Municipal Transportation Authority to approve the Arthur H. Coleman Medical Center community's request for sidewalk width reduction to establish perpendicular parking on Ingerson Street.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051430 [Authorizing Application for BEGIN Funds]
Supervisor Maxwell

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of a standard agreement if selected for such funding and any amendments thereto; the execution of a designation agreement if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051431 [Commending Catholic Healthcare West, Saint Francis, and St. Mary's hospitals]
Supervisors McGoldrick, Daly, Elsbernd, Alioto-Pier

Resolution commending Catholic Healthcare West (CHW), Saint Francis, and St. Mary's hospitals for their commitment to working with the Department of Public Health to protect and enhance the provision of health care services to vulnerable populations.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051432 [Support of House Resolution 367 Condemning bigotry, violence and discrimination against Iranian-Americans]
Supervisor Mirkarimi

Resolution in support of House Resolution 367 condemning bigotry, violence and discrimination against Iranian-Americans.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051433 [Commending Habitat for Humanity San Francisco]
Supervisor Sandoval

Resolution commending Habitat for Humanity San Francisco for its extraordinary work providing affordable housing in San Francisco and celebrating the groundbreaking of twelve new homes at the De Long Terrace Project.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051407 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Dufty, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051451 **[Urging the United States Department of State to condemn the Islamic Republic of Iran's execution of juveniles]**

Supervisors Dufty, Mirkarimi, Ammiano, Sandoval, Daly

Resolution urging the United States Department of State to condemn the Islamic Republic of Iran's execution of two teenagers [Mahmoud Asgari, Ayaz Marhoni], and the impending execution of two young men [Farid Mostaar, Ahmad Chooka], for conducting homosexual acts allegedly charged as "rape."

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051378 **[Sale of City Property located at 425 Mason Street, San Francisco]**

Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

8/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

051406 **[Lease of Real Property at One South Van Ness Avenue]**

Resolution authorizing the exercise of an option to lease 34,683 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency of the City and County of San Francisco. (Real Estate Department)

8/8/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned its meeting at the hour of 7:23 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

SEP - 8 2005

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 6, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong	2nd Monday (Bi-Monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the following Supervisors Alioto-Pier, Daly and McGoldrick were noted absent.

Supervisors Alioto-Pier, Daly and McGoldrick were previously excused from attending today's meeting. (See Infra)

Quorum present.

Supervisors Alioto-Pier, Daly and McGoldrick Excused from Attendance

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisors Alioto-Pier, Daly and McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve July 26, 2006 and August 2, 2006 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

AGENDA CHANGES

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

Recommendation of the City Operations and Neighborhood Services Committee

051294 [Fillmore and Grove "STOP" Intersection]
Supervisor Mirkarimi

Resolution designating Fillmore and Grove as a "STOP" intersection.

STOP SIGNS - ESTABLISH
Fillmore and Grove, stopping northbound and southbound Fillmore, making this intersection an All-Way STOP.

(7/11/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

Recommendation of the Land Use Committee

050739 [SLI Zoning District - Allowing Certain Financial Services]
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Table 817 to add Section 817.32 allowing a financial service use in an SLI (Service/Light Industrial) Zoning District under certain circumstances; adopting findings.

FINALLY PASSED

Recommendations of the Rules Committee

051349 [Settlement of Lawsuit - Shao Xi Tan]
Ordinance authorizing settlement of the lawsuit filed by Shao Xi Tan against the City and County of San Francisco for $80,000; the lawsuit was filed on August 22, 2003 in the United States District Court, Case No. C03-3907 MMC; entitled Shao Xi Tan, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051350 [Settlement of Lawsuit - San Francisco Bay Area Transit District]
Ordinance approving settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total value of $2,750,000. (City Attorney)

FINALLY PASSED

051377 [Settlement of Lawsuit - Daniel Curiel]
Ordinance authorizing settlement of the lawsuit filed by Daniel Curiel against the City and County of San Francisco for $31,420.11; the lawsuit was filed on April 14, 2003 in San Francisco Superior Court, Case No. 419-362; entitled Daniel Curiel, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

Severed from the Consent Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately

051257 **[Sweatfree Ordinance]**

Mayor, Supervisors Ammiano, Alioto-Pier, Daly, Mirkarimi, Maxwell, McGoldrick, Dufty, Ma, Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051441 **[Motion adopting findings related to the categorical exemption issued for 39 Chattanooga Street]**
Motion adopting findings related to the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 051320, 051321, 051311, 051323.)

APPROVED by the following vote:
Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

Called From the City Operations and Neighborhood Services Committee

051034 **[Prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin]**
Supervisors Ma, Dufty, Daly, Sandoval

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

NEW BUSINESS

From the Land Use Committee Without Recommendation

051129 **[General Plan Amendment in connection with the Executive Park -- Candlestick Cove Project]**
Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park - Candlestick Cove Project; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:
Noes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Recess

The Board recessed at the hour of 3:09 p.m.

Reconvening of the Board

The Board reconvened at hour of 4:05 p.m.

Calling the Roll

The following Supervisors were noted present: Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 7

Supervisor Sandoval noted present at 4:06 p.m.

SPECIAL ORDER 4:00 P.M.

051435 **[Public Hearing - Appeal of Tentative Subdivision Map for 858 Duncan Street]**

Hearing of persons interested in or objecting to from the decision of the Department of Public Works dated August 1, 2005, approving Tentative/Parcel Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518 located at 858 Duncan Street, San Francisco. The Duncan parcel is approximately 67.92 feet wide and 1140 feet deep, proposed to be split in half lengthwise into 2 parcels. (Appellant: Greg Turner on behalf of the Safira Court Homeowner's Association Board of Directors.)

The President inquired as to whether or not any member of the public wished to address the Board.
The appellant was not present.
The Department of Public Works representative was present.
There were no speakers.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Subdivision Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051436 **[Approving decision of the Director of Public Works and approving Tentative Subdivision Map for 858 Duncan Street]**

Motion approving decision of the Director of Public Works, and approving Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

051437 [Disapproving decision of the Director of Public Works and disapproving Tentative Subdivision Map for 858 Duncan Street]

Motion disapproving decision of the Director of Public Works, and disapproving Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

051438 [Findings - 858 Duncan Street]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

COMMITTEE REPORTS

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ammiano provided the Board an update on the Municipal Transportation Commission and the Golden Gate Bridge District on which he represents the Board of Supervisors.

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with issues relating to Hurricane Katrina disaster response by the Federal Government
Robert O'Malley; expressed concern with issues relating to the Love Parade from Germany being allowed to take place in San Francisco
Espanola Jackson; showed interest in the Community Benefit for Little Hollywood and Baview Hunter's Point
John; expressed concern with issues relating to gun laws
Male Speaker; showed interest in the Federal government response to Hurricane Katrina
John DiDonna; expressed concern with issues relating to the disaster of Hurricane Katrina
Eugene Gordon, Jr.; expressed concern with advertising
Ms. Jadea; expressed concern with issues in her neighborhood and CAlTrans lack of cleaning up after construction is completed

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051476 **[Accept-Expend Federal Grant - Port Commission]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $100,000 from the United States Environmental Protection Agency for the San Francisco Bay Cruise Liner Emissions Reductions Incentives Grant (SF Bay CLEARING) Program.

ADOPTED

051477 **[50th Anniversary Celebration of CSI]**
Supervisor Ammiano

Resolution recognizing the 50th Anniversary Celebration of the San Francisco Chapter of the Construction Specifications Institute and commending that Chapter and its many volunteers on this 17th day of September, 2005, for contributing to the advancement of construction technology and education in the City and County of San Francisco.

ADOPTED

051478 **[Opposing federal legislation that unduly restricts the local role in telecommunications and video policy]**
Supervisors Ammiano, Mirkarimi, Peskin, Maxwell, Daly, Dufty, Alioto-Pier

Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services.

ADOPTED

051479 **[Continuing the Ongoing work of the Utility Undergrounding Task Force]**
Supervisor Dufty

Resolution continuing the ongoing work of the Utility Undergrounding Task Force to advise the City and County of San Francisco on the future of the utility undergrounding process in San Francisco and to complete its work by June 1, 2006.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

051480 **[Honoring Trevor Hailey]**
Supervisor Dufty

Resolution honoring Trevor Hailey upon her retirement, for 16 years leading the "Cruisin' the Castro" walking tour, using her gift for storytelling to inspire and educate both tourists and native San Franciscans on the history of the world-famous Castro District.

ADOPTED

051481 [Commending the 85th Anniversary of the 19th Amendment]
Supervisor Ma

Resolution commending the 85th anniversary of the 19th Amendment to the United States Constitution, extending the right of suffrage to women.

ADOPTED

051482 [Homeland Security Grants]
Supervisor Ma

Resolution amending Resolution No. 385-04 to authorize designated City and County officials to execute and file on behalf of the City and County of San Francisco applications for federal and state financial assistance under the Emergency Management Performance Grant Program, the renamed State Homeland Security Grant Program, Public Law 107-206 and any other federal funding programs that are passed through the State of California.

ADOPTED

051484 [Supporting the Amendment of the Million Solar Roofs Initiative Program]
Supervisor Mirkarimi

Resolution urging the California Assembly Appropriations Committee, the Assembly and the Senate to amend SB1 in order to allow a Community Choice Aggregator the option to administer its own solar roofs program, and to receive solar incentives that will be funded by their ratepayers under SB1; to guarantee the right of Community Choice Aggregators to use existing lawful financing instruments, such as H bonds and government-owned solar as is required for the City and County's 31 Megawatt Community Choice photovoltaic program pursuant to Ordinance 86-04.

ADOPTED

051488 [Consolidation of Special Statewide Election and special Community College District election with the Consolidated Municipal Election scheduled for November 8, 2005]
Supervisor Peskin

Resolution consolidating the Special Statewide Election and special Community College District election, to be held in the City and County of San Francisco on November 8, 2005, with the Consolidated Municipal Election to be held in the City and County of San Francisco on the same date, and providing that the election precincts, voting places and officers for the Special Statewide Election and special Community College District election shall be the same as for the Consolidated Municipal Election.

ADOPTED

051489 [Meeting Schedule]
Supervisor Peskin

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the October 4, 2005 meeting and scheduling a Board Meeting on October 11, 2005.

ADOPTED

051450 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

Severed from Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051483 **[Accept-Expend Federal Grant - Office of Emergency Services]**
Supervisor Ma

Resolution authorizing the Office of Emergency Services to retroactively accept and expend a Federal Grant in the amount of $280,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

REFERRED to the Government Audit and Oversight Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

051502 **[Commending Julia Viera]**

Resolution commending Julia Viera for her dedication and exemplary service to the community and proclaiming September 9, 2005 as Julia Viera Day in San Francisco.

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

051503 **[Assembly Bill 451]**
Supervisor Peskin

Resolution urging the California State Senate to immediately approve Assembly Bill 451, as proposed by Assembly Bill 451, as proposed by Assembly Speaker Pro Tem Leland Yee, in order to restore vital revenue to San Francisco and San Mateo Counties.

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051439 **[Campaign Finance Reform Amendments of 2005]]**
Supervisor Mirkarimi

Ordinance amending the Campaign and Governmental Conduct Code by adding a new Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical changes including the correction of grammatical or reference errors and the reordering of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil, administrative and collection actions brought under the Campaign Finance Reform Ordinance. (Ethics Commission)

8/11/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/6/2005.

051442 **[Settlement of Lawsuit - Anna Maria Olmedo]**

Ordinance authorizing settlement of the lawsuit filed by Anna Maria Olmedo against the City and County of San Francisco for $62,500; the lawsuit was filed on August 15, 1999 in San Francisco Superior Court, Case No. 314-031.

8/15/05, RECEIVED AND ASSIGNED to Rules Committee.

051443 **[Amending the Electrical Code regarding headroom requirements for panelboards, entrances for 1200 amp rated equipment, use of non-metallic sheathed cable in multifamily dwellings, and making clerical changes]**

Ordinance amending Articles 89, 100, 110, 210, 215, 220, 230, 250, 300, 333, 334, 336, 340, 348, 350, 352, 351, 348, 378, 331, 362, 384, 410, 411, 645, 700, 760, and 800 of the Electrical Code to make minor clerical changes for greater clarity, to extend the general requirement for headroom about panelboards to residential panelboards rated not more than 200 amps, to provide that equipment rated 1200 amps or more, regardless of width, requires an entrance to each end of the working space, to allow for non-metallic sheathed cable to be installed in multifamily dwellings with Type III, IV and V construction up to 4 stories in height, and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)

8/16/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/6/2005.

PROPOSED RESOLUTIONS

051440 **[Airport Food and Beverage Lease]**

Resolution approving the Terminal 1 Casual Dining & Bar Lease between WSE Group, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

8/10/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051485 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

DIAGONAL (60-DEGREE ANGLE) PARKING - ESTABLISH
Ulloa Street, south side, from 33rd Avenue to 98 feet easterly (nine 60-degree parking spaces).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Harriet Street, east side, from Ahern Way to Harrison Street.

TOW-AWAY, NO STOPPING, 4 PM - 6 PM, MONDAY THROUGH FRIDAY -RESCIND
Masonic Avenue, west side, from Grove to Hayes Streets.

NO PARKING ANYTIME - ESTABLISH
Warren Drive, north side, from Blairwood Lane to 60 feet easterly.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Gilman Avenue, north side, between Griffith and Hawes Streets.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Carolina Street, west side, from 23rd Street to 90 feet southerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Cambridge Street, south side, from Stoneyford Avenue to 20 feet westerly (replacing the existing visibility red zone).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
201 Telegraph Hill Boulevard (formally establishes perpendicular parking in front of this building);
275 to 285 Telegraph Hill Boulevard, along east side of Kearny Street right-of-way, from Telegraph Hill Boulevard to 39 feet northerly (5 perpendicular parking spaces); and,
18th Street, north side, between Potrero Avenue and Utah Street.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Gough Street, east side, between Colton and Otis Streets (Unit block).

YELLOW (COMMERCIAL LOADING) ZONES, 7 AM - 6 PM, EVERYDAY, TOW-AWAY, NO STOPPING ALL OTHER TIMES - ESTABLISH
7th Street, east side, between Market and Stevenson Streets.

1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
GENERAL METERED PARKING AREA 1 (1-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stevenson Street, south side, between 5th and 6th Streets (400 block).

NO PARKING ANYTIME - ESTABLISH
Noriega Street, north side, from the western edge of the #616 Noriega Street driveway to the western edge of the #624 property line.

MUNI BUS ZONE - EXTEND
Bayshore Boulevard at Marengo Street, east side, from 60 feet to 100 feet north of Marengo Street (extend existing bus zone by 40 feet). (Parking and Traffic Department)

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

8/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051486 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Buena Vista Avenue East at Duboce Avenue, making this intersection an All-Way STOP; and,
Teresita Boulevard and Stillings Avenue, stopping Teresita Boulevard, making this intersection an All-Way STOP. (Parking and Traffic Department)

(8/11/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

8/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Elsbernd requested to be added as sponsor.

051487 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET - ESTABLISH
Flora Street, northbound, between Bayview and Thornton Streets; and,
Pomona Street, southbound, between Bayview and Thornton Streets.

MID-BLOCK CROSSWALK - ESTABLISH
Alabama Street, between 24th and 25th Streets. (Parking and Traffic Department)

(8/11/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

8/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051496 **[Recurring FY2005-2006 State grant funds to the Department of Public Health from the California Department of Health Services]**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2005-2006. (Public Health Department)

8/19/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051539 **[Confirming the appointment of the Director of Transportation to the Transbay Joint Powers Authority]**

Resolution confirming the appointment of the Director of Transportation to the Transbay Joint Powers Authority as the representative of the Municipal Transportation Agency Board of Directors, effective August 16, 2005. (Municipal Transportation Agency)

8/29/05, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:11 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
SEP 15 2005
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Tuesday, September 13, 2005 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL***

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the following Supervisors Maxwell and McGoldrick were noted absent.

Supervisor McGoldrick was noted present at 2:10 p.m.

Supervisor Maxwell was noted present at 2:12 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved to approve August 9, 2005 and August 16, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Mirkarimi, Peskin, Sandoval
Absent: 2 - Maxwell, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051504 **[Adopting findings related to the tentative subdivision map appeal on property located at 858 Duncan]**
Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 858 Duncan (Lot 015 in Assessor's Block 7518).

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Mirkarimi, Peskin, Sandoval
Absent: 2 - Maxwell, McGoldrick

Recommendation of the Budget and Finance Committee

051257 [Sweatfree Ordinance]
Mayor, Supervisors Ammiano, Alioto-Pier, Daly, Mirkarimi, Maxwell, McGoldrick, Dufty, Ma, Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Mirkarimi, Peskin, Sandoval
Absent: 2 - Maxwell, McGoldrick

Recommendations of the Rules Committee

051005 [Cable Television Franchise Amendments]
Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to table this matter.
Motion to table this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to amend this item by renegotiating a two year extension of the contract rather than a four year extension.
Motion to amend this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor Mirkarimi, seconded by Supervisor Daly, moved an amendment of the whole.
Motion to amend this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to continue the question for final passage to the September 27, 2005 Board meeting.
Motion to continue passed without objection.

Continued to September 27, 2005

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051006 [Settlement of Claims - Comcast of California III, Inc.]
Mayor

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to table this matter.
Motion to table this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to amend this item by renegotiating a two year extension of the contract rather than a four year extension.
Motion to amend this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor Mirkarimi, seconded by Supervisor Daly, moved an amendment of the whole.
Motion to amend this item failed by the following vote:
Ayes: 5- Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to continue the question for final passage to the September 27, 2005 Board meeting.
Motion to continue passed without objection.

Continued to September 27, 2005

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

CLOSED SESSION

051408 [Closed Session - Potential Litigation, Comcast of California III]
Supervisor McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation and a settlement involving the City related to the renewal of the cable franchise for Comcast of California III. The settlement resolves the City's unlitigated claims against Comcast California III for $3.5 million, extends the franchise for 4 years, and modifies the terms of the franchise in several ways, including increasing funding for public access, educational and government programming. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to convene in closed session. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 5:00 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:55 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly,
Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Cheryl Adams, Deputy City Attorney
Theresa Mueller, Deputy City Attorney
William Lowrey, Miller & Van Eaton, Outside Counsel
Chris Vein, Acting Director, DTIS
Brian Roberts, DTIS
Ron Vinson, Acting Administrator, DTIS
Kay Gulbengay, Deputy Clerk
Victor Young, Assistant Clerk
The meeting was informational only and no action was taken.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Land Use Committee

051380 [Interdepartmental jurisdictional transfer of property]
Supervisors Dufty, Sandoval

Ordinance transferring jurisdiction of certain unimproved real property located on Roosevelt Way and Henry Street (Block 2612, Lot 50) from the Mayor's Office of Housing to the Recreation and Park Department.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Elsbernd

SPECIAL ORDER 3:00 P.M.

050853 [Hearing - Street Vacation portion of Bernal Heights Boulevard]

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board. Speakers in Opposition: Female speaker; Todd Smithline; Maria Herano; Victoria Landstown; Beverly Anderson; Mr. Berstein; John Sanger; Bobbie Sue Hood; Aiya; Katie Mulligan; Alicia Chason; Mark Sabitino; Alicia Jacoby.

Speakers in Support: Charlotte Hill; Gina Dera;Terry McDonald.

Department representatives:
Keith Kawamura, Recreation and Parks Department, Capital Improvement
Barbara Moy, Department of Public Works
Steve Legnitto, Real Estate Division

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

From the Land Use Committee Without Recommendation

050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

(To be heard at a public hearing on September 13, 2005 at 3:00 p.m.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Privilege of Floor

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Corrine Megihan, Building Manager of City Hall and her staff in recognition of their outstanding work.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Aroma Guy, Elizabeth "Betta" Martinez, and Media Benjamin for being nominated for the Nobel Peace Prize.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Dr. Goery Delacote in recognition of his work as the Executive Director of the San Francisco Exploratorium.

SPECIAL ORDER 4:00 P.M.

051402 **[Public Hearing - Appeal of Categorical Exemption for 3350 20th Street (Quonset Hut structure)]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated October 7, 2004, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Section 15301 (l) (3), the demolition of a small commercial structure. The proposed project involves the demolition of the Quonset Hut structure located at at 3350 20th Street, Assessor's Block 3594, Lot 15. (Appellant: Sue C. Hestor, Attorney, representing Mission Anti-Displacement Coalition).

Continued to September 20, 2005.

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051403 **[Affirming the categorical exemption issued for 3350 20th Street]**

Motion affirming the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051404 **[Disapproving the categorical exemption issued for 3350 20th Street]**

Motion disapproving the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051405 **[Preparation of findings related to the categorical exemption issued for 3350 20th Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 3350 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 20, 2005

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

From the Budget and Finance Committee

051475 **[Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**
Supervisor Elsbernd

Resolution authorizing the Director of Public Works to execute amendment to the Design Agreement for the Laguna Honda Hospital Replacement Program modifying the total contract amount from $32,595,782 to $33,706,892.

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee

051511 [To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]
Supervisors Peskin, Mirkarimi

Ordinance appropriating $179,358 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

(Fiscal impact.)

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

051483 [Accept-Expend Federal Grant - Office of Emergency Services]
Supervisor Ma

Resolution authorizing the Office of Emergency Services to retroactively accept and expend a Federal Grant in the amount of $280,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

051513 [Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department - Emergency Services Coordination Program on a Priority Basis]
Supervisor Peskin

Motion amending the Schedule of Audits for the Budget Analyst and Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program and to perform this management audit as the next priority assignment.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ammiano provided the Board an update on the Municipal Transportation Commission and the Golden Gate Bridge District on which he represents the Board of Supervisors.

Supervisor Sandoval provided the Board an update on the San Francisco Employees Retirement System on which he represents the Board of Supervisors.

PUBLIC COMMENT

Joseph Braverman; expressed concern with the Patriot Act and the enforcement of the limitations
James Chaffe; expressed concern with the SF Public Library's radio tracking system and the Privacy and Technology Committee
Betty Wright; expressed concern with violence in public schools by staff and discipline issues
Steven Dreyfus, SF Street Musicians; expressed concern with music as a form of art and the Arts Commission non-issuance of permits
Rick Reynolds, SF Children Come First Commission; expressed concern with SF School District and the severance pay for Superintendent Arlene Ackerman
Espanola Jackson; expressed concern with the Bayview Hunters Point problems and environmental issues
Melida Felix; expressed concern with child care subsidies
Tammy Brian, expressed concern with SF School District and the severance pay for Superintendent Arlene Ackerman

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051523 [Traffic Calming Measures on McAllister and Grove Streets]
Supervisor Mirkarimi

Resolution urging the Department of Parking and Traffic to take measures to prevent unlawful and dangerous driving on McAllister Street between Webster Street and Laguna Street and on Grove Street between Webster Street and Laguna Street.

ADOPTED

051524 [Speed Humps on Linden and Rose Streets]
Supervisor Mirkarimi

Resolution urging the Department of Parking and Traffic to install speed humps to prevent unlawful and dangerous driving on Linden Street between Webster Street and Buchanan Street and on Rose Street between Webster Street and Buchanan Street.

ADOPTED

051525 [Support and Expenditures for Hurricane Katrina Relief Efforts]
Resolution establishing City support for Hurricane Katrina relief efforts and preliminarily approving expenditures required to provide City support.

ADOPTED

051526 **[Grant from Friends of City Planning for the Leland Avenue Revitalization Project]**
Supervisor Maxwell

Resolution authorizing the Director of the Planning Department to accept and expend a grant in the amount of $75,000 from the Friends of City Planning to undertake streetscape design for the Leland Avenue Revitalization Project.

ADOPTED

051527 **[To provide three food related programs in San Francisco]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend three grants in the total amount of $4,606.18 from the California Department of Food and Agriculture (CDFA) for organic foods ($1,000), egg quality control ($2,256.18), and weighmasters ($1,350) programs, and to enter into agreements for the use of these funds; for the period of July 1, 2005 through June 30, 2006.

ADOPTED

051528 **[Approving Child Care Subsidy Plan]**
Supervisor Peskin

Resolution approving county individualized child care subsidy plan authorized by Senate Bill 701 (Migden), for submission to California Department of Education, Child Development Division.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051540 **[Settlement of Lawsuit - Torfirio Carpenter]**
Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for $40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)
8/30/05, RECEIVED AND ASSIGNED to Rules Committee.

051541 **[Settlement of Lawsuit - Raymond Nario]**
Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for $60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)
8/30/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051546 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY NO STOPPING ANYTIME – ESTABLISH
Beacon Street, both sides, from the south end of the driveway of 383 Beacon Street to 120 feet southerly.

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

8/31/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051547 **[STOP Intersections]**
Supervisor Elsbernd

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Clement Street and 15th Avenue, stopping Clement Street at 15th Avenue, making this intersection an all-way STOP.
Flood Avenue at Congo Street, installing STOP signs on Flood Avenue at Congo Street, making this intersection an All-Way STOP.
Fairfield Way at Kenwood Way, installing a STOP sign on Fairfield Way at Kenwood Way. (Parking and Traffic Department)

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

8/31/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Elsbernd requested to be added as a sponsor.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 7:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

SEP 23 2005

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Tuesday, September 20, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

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#6
/22/05

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the following Supervisors Elsbernd, Ma, and Sandoval were noted absent.

Supervisor Elsbernd was previously excused from attending today's meeting. (See Infra)
Supervisor Sandoval was noted present at 2:06 p.m.
Supervisor Ma was noted present at 2:08 p.m.

Quorum present.

Supervisor Elsbernd Excused from Attendance

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Elsbernd from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ma
Excused: 1 - Elsbernd

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051466 **[Grant of Federal Funds - Municipal Transportation Agency]**
Supervisor Ammiano

Resolution authorizing the Municipal Transportation Agency to accept and expend $497,050 of TEA 21 Section 3015 (Research, Development, Demonstration, and Training Projects) capital assistance for an Alternative Fuel Technology Project, excluding administrative overhead costs.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ma
Excused: 1 - Elsbernd

Severed from Consent Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

051361 **[Professional services agreement to provide to perform professional engineering services]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute and amend a professional services agreement with URS Corporation for an amount not to exceed $12,000,000 to provide professional engineering services for the Calaveras Dam Replacement Project. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

051511 **[To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]**

Supervisors Peskin, Mirkarimi

Ordinance appropriating $179,358 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

(Fiscal impact.)

Amended to replace "$179,358" with "$179,385."

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Ordinance appropriating $179,385 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Recommendation of the Land Use Committee

051380 [Interdepartmental jurisdictional transfer of property]
Supervisors Dufty, Sandoval

Ordinance transferring jurisdiction of certain unimproved real property located on Roosevelt Way and Henry Street (Block 2612, Lot 50) from the Mayor's Office of Housing to the Recreation and Park Department.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Elsbernd

From the Land Use Committee Without Recommendation

050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]
Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

(To be heard at a public hearing on September 13, 2005 at 3:00 p.m.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051378 [Sale of City Property located at 425 Mason Street, San Francisco]
Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Fiscal impact.)

Continued to October 11, 2005

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051390 **[Setting San Francisco's fiscal year 2005-2006 property tax rate and establishing pass-through rate for residential tenants]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051391 **[Setting San Francisco Community College District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051392 **[Setting San Francisco Unified School District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051393 **[Setting San Francisco Bay Area Rapid Transit District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051352 **[Outreach Advertising]**

Resolution designating El Reportero and El Latino to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; China Press, World Journal, Sing Tao and Asian Week to be the outreach newspaper of the City and County for the Chinese community; San Francisco Bay View to be the outreach newspaper for the African American community and, the Bay Area Reporter to be the outreach newspaper for the Lesbian Gay Bisexual and Transgender community, to provide outreach advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to amend by deleting "Asian Week". Motion moved to amend failed by the following vote:
Ayes: 4 - Daly, McGoldrick, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

From the Budget and Finance Committee Without Recommendation

051406 **[Lease of Real Property at One South Van Ness Avenue]**

Resolution authorizing the exercise of an option to lease 34,683 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency of the City and County of San Francisco. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly
Excused: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

051454 **[Authorizing a Change in Use of Grant Funds]**
Supervisor Daly

Ordinance authorizing a change in the use of San Francisco Convention and Facilities Department grant funds to permit the funds to be used for an affordable housing development without a proposed pavilion.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Recommendations of the Land Use Committee

050456 **[Planning Code - Section 311 Notification]**
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

050829 **[Requiring baby diaper-changing accommodations in new Public-Serving and Substantially Renovated Public-Serving Establishments]**
Supervisor Sandoval

Ordinance amending the Planning Code by adding Section 166 to require that new public-serving establishments and substantially renovated public-serving establishments install baby diaper-changing accommodations; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051218 **[Public Works Landmark Trees]**

Resolution approving designation of four (4) tree locations for Landmark Status because of their historical significance, aesthetic qualities, or contribution to the City's overall character. (Public Works Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

The President inquired as to whether or not any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.

Supervisor Mirkarimi, seconded by Supervisor Ma, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the certification of determination of exemption/exclusion from environmental review decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

President inquired as to whether or not any member of the public wished to address the Board.
Joan Bittner; support of appeal
Continued to October 11, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051223 [Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 11, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051224 [Disapproving the categorical exemption issued for 899 North Point Street]

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 11, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051225 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 11, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

051402 [Public Hearing - Appeal of Categorical Exemption for 3350 20th Street (Quonset Hut structure)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 7, 2004, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Section 15301 (l) (3), the demolition of a small commercial structure. The proposed project involves the demolition of the Quonset Hut structure located at at 3350 20th Street, Assessor's Block 3594, Lot 15. (Appellant: Sue C. Hestor, Attorney, representing Mission Anti-Displacement Coalition).

The President inquired as to whether or not any member of the public wished to address the Board.
Appellant withdrew the CEQA appeal.
The President declared the public hearing closed.

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051403 [Affirming the categorical exemption issued for 3350 20th Street]

Motion affirming the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051404 [Disapproving the categorical exemption issued for 3350 20th Street]

Motion disapproving the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051405 [Preparation of findings related to the categorical exemption issued for 3350 20th Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 3350 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

COMMITTEE REPORTS

From the Rules Committee

051033 [Additional Eligibility Requirements to Participate in Public Financing Program for Candidates for the Board of Supervisors]
Supervisor Elsbernd

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code, by amending section 1.140 to disqualify any candidate with outstanding fines or penalties for violations of state or local campaign finance laws from participation in the public finance program and to render ineligible for participation for five years candidates found by a court to have knowingly, willfully or intentionally violated state or local campaign finance laws.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051151 [Application of the City's Conflict of Interest Laws to Members of Certain Advisory Bodies]
Supervisor Peskin

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 3.203 to apply the City's conflict of interest laws to members of advisory bodies who are required to file statements of economic interests.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051327 [Appointment - Asthma Task Force]
Resolution appointing Kimberley Knox, term ending June 30, 2007, to the Asthma Task Force.

Kimberley Knox, succeeding Lucille Valdivia, resigned, seat 22, must be an individual who represents tenant interests (non-voting member), for the unexpired portion of a two-year term ending June 30, 2007.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051330 [Appointment - Golden Gate Bridge, Highway and Transportation District]
Resolution appointing Lynne Newhouse Segal, term ending January 31, 2007, to the Board of Directors, Golden Gate Bridge, Highway and Transportation District.

Lynne Newhouse Segal, succeeding Maryanne Harrison, deceased, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2007.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Elsbernd

051498 **[Appointment - Assessment Appeals Board No. 1]**

Resolution appointing Diane Robinson and Stephen Wasserman, terms ending September 1, 2008, to the Assessment Appeals Board No. 1.

Diane Robinson, succeeding herself, term expired, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

Stephen Wasserman, succeeding Carol Ruth Silver, resigned, seat 7 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051499 **[Appointment - Assessment Appeals Board No. 2]**

Resolution appointing Calvin Abe, term ending September 4, 2006, and Joseph Tham, term ending September 1, 2008, to the Assessment Appeals Board No. 2.

Calvin Abe, succeeding Richard Lee, resigned, seat 7 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 4, 2006.

Joseph Tham, succeeding himself, term expired, seat 8 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

From the Budget and Finance Committee

051500 **[Public Education Enrichment Fund]**
Supervisor Ammiano

Resolution approving the San Francisco Unified School District revised expenditure plans for the Public Education Enrichment Fund.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Public Library
Stephen Dreyfus; expressed concern with issues relating to street artists permits
John DiDonna; expressed concern with several issues including right wing individuals
Paul Hayward; expressed concern with issues relating to street artists permits
Armando Rios, CPMC worker; expressed concern with issues relating to the CPMC strike
Julito, CPMC worker; expressed concern with issues relating to the CPMC strike
David Hart, CPMC worker; expressed concern with issues relating to the CPMC strike
Eugene Gordon Jr.; expressed concern with issues
Walter; expressed concern with general issues
Video shown concern regarding parking regulations on California Street and Emmett Condon, Lincoln Park Neighborhood Association; expressed concern with issues relating to Burke School
James Argo, Presdent of the Lincoln Park Neighborhood Association; expressed concern with issues relating to Burke School
Male Speaker; expressed concern with issues relating to Burke School

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051560 **[Emergency Disadvantaged Business Enterprise Program - September 27, 2005, Committee of the Whole]**
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on September 27, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

APPROVED

051567 [Accept-Expend Federal Grant - Department of Parking and Traffic]
Supervisor Mirkarimi

Resolution authorizing the Department of Parking and Traffic to retroactively accept and expend a grant in the amount of $500,000 from the Metropolitan Transportation Commission (MTC) to integrate the SFgo Transportation Management Center (TMC) with Caltrans District 4 in Oakland and 511 to exchange real-time transportation information.

ADOPTED

051568 [Accept-Expend Federal/State Pass Through Grant - Department of Public Library]
Supervisors Alioto-Pier, Dufty

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $17,447 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

ADOPTED

051571 [Supporting Gay Marriage AB849]
Supervisors Ammiano, Dufty, Daly, Sandoval, Mirkarimi

Resolution declaring support for eliminating legal discrimination against same-sex couples in the provision of civil marriage licenses and further supporting The Religious Freedom and Civil Marriage Protection Act, AB849 and further urging the Governor of California, Arnold Schwarzenegger to sign The Religious Freedom and Civil Marriage Protection Act to protect all families of California.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

051573 [Declaring September 24, 2005 as Grand Duchess Sophilya Leggz and Grand Duke Mike Manicotti Day]
Supervisor Ammiano

Resolution declaring September 24, 2005 as Grand Duchess Sophilya Leggz and Grand Duke Mike Manicotti Day in the City and County of San Francisco.

ADOPTED

051574 [Accept and Expend Grant - Sheriff's Department]
Supervisor Maxwell

Resolution authorizing the Sheriff's Department to accept and expend a continuation grant in the amount of $76,283 from the Private Industry Council of San Francisco for providing employment and education services to young offenders and after their release from the county jail.

ADOPTED

051575 [Honoring Richmond Area Multi-Services, Inc. (RAMS)]
Supervisor McGoldrick

Resolution honoring Richmond Area Multi-Services, Inc. (RAMS) for their commitment and contributions to the San Francisco community.

ADOPTED

051576 **[Commending Founders of the First Annual Fulton Street Fair]**
Supervisor Mirkarimi

Resolution commending the Alamo Square Neighborhood Association and the Third Baptist Church for founding the First Annual Fulton Street Fair (aka "The Love Connection").

ADOPTED

051578 **[Declaring October 3, 2005 "B.K.S. Iyengar Day" in San Francisco]**
Supervisor Peskin

Resolution declaring October 3, 2005 "B.K.S. Iyengar Day" in San Francisco.

ADOPTED

051579 **[Commending Lee Blitch]**
Supervisor Peskin

Resolution commending Lee Blitch for his invaluable contributions to the City and County of San Francisco.

ADOPTED

051577 **[Waiver Permitting City Employees to Assist the Department of Elections with the November 8, 2005 election]**
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 8, 2005 election.

APPROVED

051555 **[Needle Exchange Emergency]**
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Severed from the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

051572 **[SFUSD Labor-Management Dispute]**
Supervisor Ammiano

Resolution urging the San Francisco Board of Education and the San Francisco Unified School District Superintendent, Arlene Ackerman, to seek all avenues available to resolve the current labor and management dispute, including finding a informal or local mediator and utilizing portions of Proposition H, the Public Education Enrichment Fund, to fund salaries for the lowest paid and most vulnerable School District employees.

Continued to September 27, 2005
CONTINUED.

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

051580 **[Urging SFUSD Superintendent Arlene Ackerman to forego the provision in her current contract for a $375,000 severance package]**
Supervisor Sandoval

Resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a $375,000 severance package.

Supervisor Maxwell requested that this matter be referred to Committee.
REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Daly, seconded by Supervisor Dufty, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Dufty, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051611 **[St. Luke's and CPMC Affiliation Agreement]**
Supervisors Ammiano, Peskin, Mirkarimi, McGoldrick, Alioto-Pier, Ma, Daly

Resolution urging the Boards of Directors of both St. Luke's Hospital and the California Pacific Medical Center to postpone their vote on the new Affiliation Agreement until the Board of Supervisors has scheduled a hearing to consider the financial, social justice and public health implications of key elements of the agreement.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051612 **[Commending George Galloway]**
Supervisors Daly, Mirkarimi

Resolution commending George Galloway, Member of Parliament for Bethnal Green and Bow, UK, and author of "Galloway Goes to Washington", for his efforts to promote peace in Iraq through his"Stand Up and Be Counted" tour.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051521 **[Designate 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248]**
Ordinance designating 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)
9/7/05, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

051530 **[Airport Public Parking Services Proposition]**

Resolution approving the Controller's certification that Airport Public Automobile Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

9/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051531 **[Airport Employee Parking Services Proposition J]**

Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

9/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051532 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,586; Location: 534 Octavia Street.)

9/12/05, SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

051533 **[Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to continue a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2004 through June 30, 2008. (Public Health Department)

9/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051594 **[Confirming appointment of Hunter Stern to the Municipal Transportation Agency Board of Directors]**
Mayor

Resolution confirming the appointment of Hunter Stern to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2009.

9/13/05, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
SEP 30 2005
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 27, 2005 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

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*AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL*

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll the following Supervisors Alioto-Pier and Sandal were noted absent.

Supervisor Sandoval was noted present at 2:11 p.m.
Supervisor Alioto-Pier was noted present at 2:12 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to approve September 6, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051390 [Setting San Francisco's fiscal year 2005-2006 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2006.

(Fiscal impact.)

FINALLY PASSED

051391 [Setting San Francisco Community College District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

FINALLY PASSED

051392 [Setting San Francisco Unified School District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

FINALLY PASSED

051393 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

FINALLY PASSED

050645 [Amendment of Contract between Ciber, Inc. and the City and County of San Francisco for Computer-related Services]

Supervisor Daly

Resolution authorizing the Committee on Information Technology and Purchaser to amend the contract between Ciber, Inc. and the City and County of San Francisco for computer-related services by increasing the amount of the contract from an amount not to exceed $9,999,999 to an amount not to exceed $25,000,000.

(Fiscal impact.)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

051060 **[Liquor License, 85 Campton Place]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 303 Filbert Street to 85 Campton Place to RHS Partners, LLC for 85 Campton Place will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

051336 **[Street Improvements on 25th Avenue]**

Supervisor McGoldrick

Resolution requesting that the Municipal Transportation Agency and Department of Public Works, work with the 25th Avenue Neighborhood Association to address, improve, and enhance conditions on 25th Avenue, and to expend funds as feasible and necessary to meet those ends.

ADOPTED

051353 **[Liquor License, 230 West Portal Ave.]**

Supervisor Elsbernd

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Eclectic Cup, LLC, for Que Syrah located at 230 West Portal Ave., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Supervisor Elsbernd requested to be added as sponsor.

ADOPTED

051355 **[Liquor License, 50 Mason Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Bakhshish Kaur, for San Francisco Comedy Club located at 50 Mason Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

051373 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING, 10 PM TO 6 AM, EVERYDAY - ESTABLISH
Alemany Boulevard, both sides, between Sagamore and Crystal Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Red Rock Way, from the driveway of #15 and #55 Red Rock Way driveway to 34 feet northerly and from the same driveway to 27 feet westerly.

NO PARKING ANYTIME - RESCIND
Wright Street, north side, from Holladay Avenue to Montcalm Street

RED (NO PARKING ANYTIME) ZONE - ESTABLISH
Montcalm Street, east side, from 126 feet north of York Street to 55 feet northerly

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Washburn Street, east side, from 56 feet to 120 feet north of Howard Street

RESIDENTIAL PERMIT PARKING AREA "L" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Rossi Avenue, west side, between Anza Street and Turk Boulevard (Unit block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lincoln Way, north side, from 41st Avenue to 100 feet easterly.

RESIDENTIAL PERMIT PARKING "A" AND "C" - RESCIND
PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

Broadway, south side, from Powell Street to 80-feet westerly

PARKING METERS, AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM MONDAY THROUGH SATURDAY) - RESCIND
PARKING METERS, AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 7 AM - 7 PM EVERYDAY) - ESTABLISH
Bay Street, south side, between Taylor and Mason Streets.

PARKING METERS, AREA NO. 4, (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
PARKING METERS, AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM MONDAY THROUGH SATURDAY) - ESTABLISH
Mason Street, west side, from Bay Street to 65 feet southerly.

PARKING METERS, 2-HOUR, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY -ESTABLISH
Bryant Street, west side, between 18th and Mariposa Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Larkin Street, west side, between the north and south Fulton Street crosswalks.

TOUR BUS PARKING ONLY (15- MINUTE PARKING TIME LIMIT), 8 AM - 6 PM, EVERYDAY - ESTABLISH
Fulton Street, north side, between 115 feet east of Larkin Street and 125 feet west of Hyde Street (adds time limit to existing zone). (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

ADOPTED

051374 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
20th Avenue and Pacheco Street, stopping Pacheco Street at 20th Avenue, making this intersection an All-Way STOP;
La Playa and Judah Streets, stopping northbound La Playa Street, south of the Judah intersection in front of 1400 La Playa Street; and,
La Playa and Judah Streets, stopping westbound Judah Street at La Playa Street on the south side of 1396 La Playa Street. (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

ADOPTED

051375 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET - ESTABLISH
Wright Street, from Montcalm Street to Holladay Avenue, eastbound

MULTIPLE LEFT TURN LANES - RESCIND
Main Street, northbound, at Market Street (Parking and Traffic Department)

(7/27/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3030.)

ADOPTED

051410 **[Parking Regulations]**
Supervisor McGoldrick

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Stanyan Street, west side, from 118 feet to 275 feet south of Fulton Street

(8/4/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

051411 **[Traffic Regulations]**
Supervisor McGoldrick

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT LANE MUST TURN RIGHT - RESCIND
Stanyan Street, west side, from Fulton Street to 120 feet northerly

NO LEFT TURN, 4 PM TO 6 PM - RESCIND
NO LEFT TURN, 11 AM TO 6 PM, EVERYDAY, EXCEPT TAXIS - ESTABLISH
Fulton Street, eastbound and westbound, at Stanyan Street

NO LEFT TURN - ESTABLISH
Fulton Street, eastbound, at 10th Avenue

(8/4/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

051486 **[STOP Intersections]**
Supervisor Elsbernd

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Buena Vista Avenue East at Duboce Avenue, making this intersection an All-Way STOP; and,
Teresita Boulevard and Stillings Avenue, stopping Teresita Boulevard, making this intersection an All-Way STOP. (Parking and Traffic Department)

(8/11/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

ADOPTED

051496 **[Recurring FY2005-2006 State grant funds to the Department of Public Health from the California Department of Health Services]**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2005-2006. (Public Health Department)

ADOPTED

051506 **[Improve HIV/AIDS treatment and prevention services in San Francisco]**
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $1,488,000 from the Department of Health and Human Services, Centers for Medicare and Medicaid Services (DHHS,CMMS) to improve HIV/AIDS treatment and prevention services in San Francisco and to enter into an agreement for the use of these funds; for the period of July 1, 2005 to June 30, 2006.

ADOPTED

051507 **[Contract funds to participate in the traineeship for AIDS prevention studies at the University of California at San Francisco Center on AIDS Prevention]**
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the University of California San Francisco, Center on AIDS Prevention Studies (UCSFCAPS) the primary contractor, and expend funds in the amount of $6,624 in order to participate in the traineeship for AIDS prevention studies (TAPS) at UCSFCAPS for the two month period of July 1, 2005, through August 31, 2005.

ADOPTED

051517 **[To provide trauma and burn care supplies to the San Francisco General Hospital Trauma Center cache]**
Supervisor Ma

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH,EMS) to accept retroactively and expend a grant in the amount of $127,272 from the State Emergency Medical Services Authority (SEMSA) to provide trauma and burn care supplies to the San Francisco General Hospital Trauma Center cache and to enter into an agreement for the use of these funds; for the period of June 6, 2005 through October 31, 2005.

ADOPTED

051518 **[To provide health education services to youth in San Francisco]**
Supervisor Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a new grant in the amount of $127,000 from the State Office of Family Planning (SOFP) for health education services to youth in San Francisco and to enter into an agreement for the use of these funds; for the period of July 1, 2005, through June 30, 2006.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

051454 **[Authorizing a Change in Use of Grant Funds]**
Supervisor Daly

Ordinance authorizing a change in the use of San Francisco Convention and Facilities Department grant funds to permit the funds to be used for an affordable housing development without a proposed pavilion.

FINALLY PASSED

Recommendation of the Land Use Committee

050829 **[Requiring baby diaper-changing accommodations in new Public-Serving and Substantially Renovated Public-Serving Establishments]**
Supervisor Sandoval

Ordinance amending the Planning Code by adding Section 166 to require that new public-serving establishments and substantially renovated public-serving establishments install baby diaper-changing accommodations; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Rules Committee

051033 **[Additional Eligibility Requirements to Participate in Public Financing Program for Candidates for the Board of Supervisors]**
Supervisor Elsbernd

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code, by amending section 1.140 to disqualify any candidate with outstanding fines or penalties for violations of state or local campaign finance laws from participation in the public finance program and to render ineligible for participation for five years candidates found by a court to have knowingly, willfully or intentionally violated state or local campaign finance laws.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Severed From the Consent AGenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051467 **[CalHome Application]**
Supervisor Elsbernd

Resolution authorizing the submittal of an application to the California Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

Amended to replace "$1,000,000" with "$750,000."

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

051151 **[Application of the City's Conflict of Interest Laws to Members of Certain Advisory Bodies]**
Supervisor Peskin

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 3.203 to apply the City's conflict of interest laws to members of advisory bodies who are required to file statements of economic interests.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

051511 **[To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]**
Supervisors Peskin, Mirkarimi

Ordinance appropriating $179,385 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

050456 **[Planning Code - Section 311 Notification]**
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

Recess

The Board recessed at the hour of 2:33 p.m.

Reconvening of the Board

The Board reconvened at the hour of 2:40 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick. Mirkarimi, Peskin, Sandoval - 11

051005 **[Cable Television Franchise Amendments]**
Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

Supervisor Daly, seconded by Supervisor Sandoval, moved to amend by including labor language.
Motion to amend failed by the following vote:
Ayes 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051006 **[Settlement of Claims - Comcast of California III, Inc.]**
Mayor

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

051459 **[Parking Restrictions]**
Supervisor McGoldrick

Ordinance amending the San Francisco Traffic Code by amending Section 3.6.1 to redefine the Downtown Core area, by amending 38.B to prohibit no stopping except for the loading or unloading of passengers or freight in the Downtown Core, by amending 38.B.1 to prohibit no stopping except for the loading or unloading of passengers or freight outside of the Downtown Core, by amending 201.1 to revise the boundaries for Parking Meter Area Number One, and by amending 201.2 to revise the boundaries for Parking Meter Area Number Two.

Supervisor Daly, seconded Supervisor Sandoval, moved to re-refer this matter to Committee.
Supervisor Sandoval withdrew his second to re-refer this matter.
Supervisor Daly, seconded Supervisor McGoldrick, moved to re-refer this matter to Committee.

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051485 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Harriet Street, east side, from Ahern Way to Harrison Street.

NO PARKING ANYTIME - ESTABLISH
Warren Drive, north side, from Blairwood Lane to 60 feet easterly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Carolina Street, west side, from 23rd Street to 90 feet southerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Cambridge Street, south side, from Stoneyford Avenue to 20 feet westerly (replacing the existing visibility red zone).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
201 Telegraph Hill Boulevard (formally establishes perpendicular parking in front of this building);
275 to 285 Telegraph Hill Boulevard, along east side of Kearny Street right-of-way, from Telegraph Hill Boulevard to 39 feet northerly (5 perpendicular parking spaces); and,
18th Street, north side, between Potrero Avenue and Utah Street.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Gough Street, east side, between Colton and Otis Streets (Unit block).

YELLOW (COMMERCIAL LOADING) ZONES, 7 AM - 6 PM, EVERYDAY, TOW-AWAY, NO STOPPING ALL OTHER TIMES - ESTABLISH
7th Street, east side, between Market and Stevenson Streets.

1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
GENERAL METERED PARKING AREA 1 (1-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stevenson Street, south side, between 5th and 6th Streets (400 block).

NO PARKING ANYTIME - ESTABLISH
Noriega Street, north side, from the western edge of the #616 Noriega Street driveway to the western edge of the #624 property line.

MUNI BUS ZONE - EXTEND
Bayshore Boulevard at Marengo Street, east side, from 60 feet to 100 feet north of Marengo Street (extend existing bus zone by 40 feet). (Parking and Traffic Department)

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051487 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

MID-BLOCK CROSSWALK - ESTABLISH
Alabama Street, between 24th and 25th Streets. (Parking and Traffic Department)

(8/11/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3044.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051458 **[Public Works Code - landmark trees and penalties for violations]**
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Continued to October 11, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee with Recommendation "Do Not Pass"

050689 **[Public Works Code - significant trees, landmark trees, and penalties for violations]**
Supervisor Daly

Ordinance amending the Public Works Code by amending Sections 802, 804, 807, and 808 and adding Section 810A to address removal, maintenance, and nomination of significant trees as defined herein; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Section 810 to allow the City to landmark any tree within its territorial limits; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Continued to October 11, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use Committee

Supervisor Daly Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Daly at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051521 **[Designate 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248]**

Ordinance designating 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

051397 **[Mission Bay South - Street Vacation of Portions of Fourth Street]**

Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of Fourth Street within Mission Bay South from Third Street north to Channel Street; setting the hearing date for November 1, 2005 at 3:00 p.m. for all persons interested in the proposed vacation of the street area; adopting findings that the proposed vacation is consistent with the San Francisco General Plan and eight priority policies of San Francisco Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; and making environmental findings. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

051398 **[Mission Bay South – Ordering Street Vacation of portions of Fourth Street]**

Ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Public Works Department)

(To be heard at public hearing on November 1, 2005, at 3:00 p.m.)

Amended to replace "4:00 p.m." with "3:00 p.m."

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to November 1, 2005 for public hearing at 3:00 p.m.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Privilege of the Floor

Supervisor Maxwell introduced, welcomed and presented a Certificates of Honor to Peter Linenthal and Abigail Johnson.
Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Michael Lane.

SPECIAL ORDER 4:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

051557 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**
Hearing to consider the possible adoption of an Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members. The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

051558 **[Reenacting a Disadvantaged Business Enterprise Program]**
Supervisor Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

051445 **[Public Hearing - Appeal of Final Environmental Impact Report for 491 Bayshore Boulevard (HOME DEPOT)]**

Hearing of persons interested in or objecting to the Planning Commission's July 28, 2005, certification of a Final Environmental Impact Report identified as Case No. 2001.0062E, through its Motion 17071. The proposed project would involve the demolition of the existing vacant buildings equaling approximately 107,372 square feet and the construction of approximately 140,000 square foot home improvement center (HOME DEPOT) with a separate, attached 235,597 square foot parking garage accommodating 585 parking spaces with an M-1 (Light Industrial) District, a 65-J Height and Bulk District, and the Industrial Protection Zone Special Use District, located at 491 Bayshore Boulevard, Assessor's Block 5598, Lots 8, 9, 11, 13, 15, 16, 18, 21 and 28. (Appellant: Sue C. Hestor, Attorney, on behalf of Cole Hardware).

(Date Filed: 8/11/05; companion measure to Files 051446, 051447, 051448; District 10.)

The President inquired as to whether or not any member of the public wished to address the Board members.
The President declared the public hearing closed.
Continued to October 25, 2005

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051446 **[Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051447 **[Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051448 **[Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) FEIR. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick noted absent at 3:39 p.m.

COMMITTEE REPORTS

051442 **[Settlement of Lawsuit - Anna Maria Olmedo]**

Ordinance authorizing settlement of the lawsuit filed by Anna Maria Olmedo against the City and County of San Francisco for $62,500; the lawsuit was filed on August 15, 1999 in San Francisco Superior Court, Case No. 314-031.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051540 **[Settlement of Lawsuit - Torfirio Carpenter]**

Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for $40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051541 **[Settlement of Lawsuit - Raymond Nario]**

Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for $60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

051591 **[Appointment - Immigrant Rights Commission]**

Resolution appointing Svetlana Kaff, Phu Nguyen and Zina Spektor, terms ending June 6, 2007, to the Immigrant Rights Commission.

Svetlana Kaff, succeeding herself, term expired, seat 7, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.
Phu Nguyen, succeeding Anthony Eke, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.
Zina Spektor, succeeding herself, term expired, seat 11, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Supervisors Ma, Mirkarimi and Daly Excused From Voting

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to excuse Supervisors Ma, Mirkarimi and Daly from voting on this matter. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 3 - Daly, Ma, Mirkarimi

051593 **[Appointment - Association of Bay Area Governments Executive Board]**

Resolution appointing Supervisor Fiona Ma, Supervisor Ross Mirkarimi and Supervisor Chris Daly, terms ending June 30, 2007, to the Association of Bay Area Governments Executive Board.

Supervisor Fiona Ma, succeeding herself, term expired, seat 1, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2007.
Supervisor Ross Mirkarimi, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2007.
Supervisor Chris Daly, succeeding Supervisor Mark Leno, term expired, seat 3, must be a member of the Board of Supervisors (ALTERNATE), for the unexpired portion of a two-year term ending June 30, 2007.

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 3 - Daly, Ma, Mirkarimi

051602 [Appointment - Food Security Task Force]

Resolution appointing Gina Fromer, Ellen Stroud, Daisy Anarchy and Gail Priestley, terms indefinite, to the Food Security Task Force, residency requirement waived.

Gina Fromer (residency requirement waived), new appointment, seat 1, must be a representative of a community-based organization that provides nutritional support and increases the food security of San Francisco residents, for an indefinite term.
Ellen Stroud, new appointment, seat 2, must be a representative of a community-based organization that provides nutritional support and increases the food security of San Francisco residents, for an indefinite term.
Daisy Anarchy, new appointment, seat 3, must be a representative of a community-based organization that provides nutritional support and increases the food security of San Francisco residents, for an indefinite term.
Gail Priestley (residency requirement waived), new appointment, seat 4, must be a representative of a community-based organization that provides nutritional support and increases the food security of San Francisco residents, for an indefinite term.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Recess

The Board recessed at the hour of 3:51 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:00 p.m.

Calling the Roll

The following Supervisors were noted present: Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval - 9

Supervisor McGoldrick was noted present at 4:01 p.m.
Supervisors Alioto-Pier and Sandoval were noted present at 4:02 p.m.

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051594 [Confirming appointment of Hunter Stern to the Municipal Transportation Agency Board of Directors]
Mayor

Resolution confirming the appointment of Hunter Stern to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2009.

Supervisor Daly moved to continue this matter to November 15, 2005.
Motion to continue failed for lack of a second.

NOT ADOPTED by the following vote:

Ayes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Noes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; showed interest with the victims of the hurricane and issues with the SF Fire Departmetn
Espanola Jackson: expressed concern relating to impacts of development on the surrounding Executive Park community
Dorcey Nunn, All of Us or None; showed interest in the passage of aproposed resolution "ban the box"
Linda Evans; showed interest in the passage of a proposed resolution "ban the box"
William Buellman; showed interest in the passage of a proposed resolution "ban the box"
Margaret Richardson; showed interest in the passage of a proposed resolution "ban the box"
Alicia Devalli; showed interest in the passage of a proposed resolution "ban the box"
John Rosen; showed interest in the passage of a proposed resolution "ban the box"
Nat Smith; showed interest in the passage of a proposed resolution "ban the box"
James Chaffee; expressed concern with SF Library issues
Donna Willmott; showed interest in the passage of a proposed resolution "ban the box"
Mary; showed interest in the in the passage of a proposed resolution "ban the box"
Male Speaker; expressed concern with the Muni cuts
Roger White; showed interest in the in the passage of a proposed resolution "ban the box"
Andrea Bible; showed interest in the in the passage of a proposed resolution "ban the box"
Linden; showed interest in the passage of a proposed resolution "ban the box"
Walter; showed interest in disaster precautions
Friends of the Library; informed the Board of the Book Sale
Male showed interest in the passage of a proposed resolution "ban the box"

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051615 **[Housing assistance for people with HIV/AIDS displaced by the Hurricane Katrina]**
Supervisors Ammiano, Dufty

Resolution stating that the City and County of San Francisco will provide housing assistance for the 8,000 people with HIV/AIDS who have been displaced by the Hurricane Katrina disaster in Louisiana and Mississippi.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051616 [Commending East Bakersfield High School Journalists]
Supervisor Ammiano

Resolution commending East Bakersfield High School Journalism Department and student journalists for their courage in attempting to publish a series of news articles in their school newspaper on the lives of gay youth and for fighting for their first amendment rights to overturn the prohibition imposed by school administrators to censor publication of the news series.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051617 [Declaring October 2005 to be "Domestic Violence Awareness Month"]
Supervisor Ma

Resolution declaring October 2005 to be “Domestic Violence Awareness Month” in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051619 [Interim Report on Traffic Flow and Pedestrian Safety on Octavia Boulevard]
Supervisor Mirkarimi

Resolution urging the San Francisco Department of Parking and Traffic to deliver an interim report by October 5, 2005 concerning traffic flow and pedestrian safety on Octavia Boulevard and its adjoining freeway off-ramp.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051621 [Zoning - Extension of Planning Commission Review Period - Better Neighborhoods Plan]
Supervisor McGoldrick

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); to Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents, and to amend the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051622 [Endorsing Statewide Ballot Measure]
Supervisor Peskin

Resolution endorsing the passage of California State Proposition 79, the "Cheaper Prescription Drugs for California Act", and urging the defeat of California State Proposition 78, sponsored by major pharmaceutical manufacturers.

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051623 [Honoring Michael Lane]
Supervisors Peskin, Dufty, Maxwell, Alioto-Pier, Elsbernd

Resolution honoring Michael Lane for his many contributions to the City and County of San Francisco and proclaiming October 4, 2005 as Michael Lane Day.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051624 [Declaring the week of October 2-9 Howl Week in the City and County of San Francisco]
Supervisor Peskin

Resolution declaring the week of October 2-9 Howl Week in the City and County of San Francisco to commemorate the 50th anniversary of the first reading of Allen Ginsberg's classic American poem about the Beat Generation.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051625 [Commending the League of California Cities-Latino Caucus]
Supervisor Sandoval

Resolution commending the League of California Cities-Latino Caucus for its work advocating for and improving the quality of life of Latinos in California and extending congratulations to Los Angeles City Council President Alex Padilla on becoming President of the League of California Cities.

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

Suspend the Rules

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved to suspend the Board of Supervisors Rule No. 2.11. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051572 **[SFUSD Labor-Management Dispute]**

Supervisors Ammiano, Ma

Resolution urging the San Francisco Board of Education and the San Francisco Unified School District Superintendent, Arlene Ackerman, to seek all avenues available to resolve the current labor and management dispute, including finding a informal or local mediator and utilizing portions of Proposition H, the Public Education Enrichment Fund, to fund salaries for the lowest paid and most vulnerable School District employees.

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051618 **[Accept-Expend Gift - San Francisco Public Library]**

Supervisors Mirkarimi, Sandoval, Maxwell, Ma, Elsbernd

Resolution authorizing the Library to accept and expend up to $16 million from the Friends of the San Francisco Public Library for furniture, fixtures, equipment and other costs related to the Branch Library Improvement Program.

Supervisors Ma and Elsbernd requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it might be considered separately.

051620 **[Tree Disclosure Statement]**

Supervisor McGoldrick

Resolution instructing the Planning Department to require a Tree Disclosure Statement as part of all building permit applications that include exterior work, demolition or grading.

Amended by replacing "instructing" with "urging"

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Serious Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051641 [Urging Federal Action]

Supervisors Peskin, Mirkarimi, McGoldrick, Ma, Maxwell, Dufty, Ammiano

Resolution confirming the City and County of San Francisco's opposition to oil or gas exploration, and development off and on our coastline and requesting that the United States Department of the Interior refrain from the inclusion of any OCS lease tracts offshore the California coastline in its Proposed Five-Year Outer Continental Shelf Leasing Program for 2007-2012.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051554 [Abolition of Legislated Setback for 301–323 14th Avenue]
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code by abolishing the legislated front setback of the southeastern portion of the property located at 301-323 14th Avenue, identified as Assessor's Block No. 1446, Lot No. 054 (formerly Lots 001, 004, 006, 053), as shown on Block Book Map No. 1446 of the City and County of San Francisco, Volume 12; and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

9/12/05, RECEIVED AND ASSIGNED to Land Use Committee.

9/22/05, Supervisor McGoldrick requests to be added as sponsor.

051583 [Settlement of Lawsuit - Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al]

Ordinance authorizing settlement of the lawsuit filed by Frederick Meiswinkel, Inc. for $1,800,000 against the Hunt Construction Group, Inc. and Hun't cross-complaint against the City and County of San Francisco seeking indemnity from the claims brought by Meiswinkel; the lawsuit was filed on March 2, 2004 in San Francisco Superior Court, Case No. CGC –04-429249; entitled, Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al; other material terms of said settlement are nonmaterial terms. (City Attorney)

9/19/05, RECEIVED AND ASSIGNED to Rules Committee.

051584 [Settlement of Lawsuit - Kaiser Foundation Hospitals]

Ordinance authorizing settlement of the lawsuit filed by Kaiser Foundation Hospitals against the City and County of San Francisco for $67,500.00; the lawsuit was filed on May 4, 2005 in San Francisco Superior Court, Case No. 429-909; entitled Kaiser Foundation Hospitals v. City and County of San Francisco. (City Attorney)

9/19/05, RECEIVED AND ASSIGNED to Rules Committee.

051590 [Designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as a Landmark under Planning Code Article 10]
Supervisors Mirkarimi, Maxwell

Ordinance designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as Landmark No. 249, pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

9/13/05, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

051553 [Supporting the City's application for Prop 63 Mental Health Funding]

Resolution supporting the City's application to the State of California for the Mental Health Services Act (MHSA). (Public Health Department)

9/19/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051581 [Street Artist Winter Holiday Spaces]

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2005, beginning on November 15, 2005 and ending on January 15, 2006. (Arts Commission)

9/19/05, RECEIVED AND ASSIGNED to Land Use Committee.

051595 **[Mission Bay South City Construction and Slope Maintenance, Easement]**

Resolution approving exercise of option to extend an easement agreement for temporary rights to the City to construct improvements, maintain certain slopes for street improvements until such time as those slopes are no longer needed to support the street and authorizing other official actions. (Public Works Department)

9/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

051596 **[Contract Amendment for Muni Metro East Light Rail Facility]**

Resolution authorizing the Director of Transportation to execute the Tenth Amendment to San Francisco Municipal Railway Contract No. CS-116, Design and Construction Support Services for Muni Metro East Light Rail Vehicle Maintenance and Operations Facility with Gannett Fleming, Inc. for an amount not to exceed $3,313,629, for a total contract amount not to exceed $12,262,990, and for a contract extension of two and one-half years, for a total contract term of ten years. (Municipal Transportation Agency)

9/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
OCT 20 2005
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 18, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll the following Supervisor Dufty was noted absent.

Supervisor Dufty was noted present at 2:07 p.m.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051382 [Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) - include Entertainment Commission and Emergency Medical Services in review process]
Supervisor Daly

Ordinance amending San Francisco Traffic Code Section 800 to include the Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT); amending Section 801 to require emergency medical services plans for "major events" and the inclusion of the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) in approval process for major event applications; amending Section 802 to expand definition of "major events" to include street fairs; amending Section 804 to require Clerk of the Board of Supervisors to transmit copies of any legislation approving a temporary street closing for major events to the Director of EMSEO; amending Section 806 to include the Executive Director of the Entertainment Commission in the review process of applications for temporary use of streets for street fairs; amending San Francisco Administrative Code Section 90.4 to require permit applicants for major events to submit an emergency medical services plan to the Entertainment Commission for consideration in the approval of permit applications for major events.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

051522 [To de-appropriate current capital project appropriations to reflect updated sources and uses of capital project funding]
Mayor

Ordinance de-appropriating $287,977,266 of existing sources and uses authority for various San Francisco International Airport (SFIA) capital project funding to reflect actual sources of funding available to support the Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09.

(Fiscal impact.)

FINALLY PASSED

051529 [To appropriate capital project funding to reflect updated sources and uses appropriation consistent with the priorities outlined in the San Francisco International Airport's Five-Year Capital Plan]
Mayor

Ordinance appropriating $243,723,524 in total sources and uses, including the de-appropriation of $125,321,506 in current project funding to use this source for appropriation, as well as appropriating an additional $26,055,079 of available Airport fund balance, $59,588,300 of grant authorization to accept and expend funds from the Federal Aviation Administration for projects related to security, runway and taxiway construction and improvements, $23,182,388 of grant authorization to accept and expend funds from the California Department of Transportation (Caltrans) for viaduct construction, and $9,576,251 in interest income. These various sources and uses are herein appropriated for various San Francisco International Airport (SFIA) capital projects as detailed below to reflect the updated San Francisco International Airport Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09. Of the $243,723,524 appropriated, $24,970,000 for the Westfield Cargo Redevelopment project is herein placed on reserve.

(Fiscal impact.)

FINALLY PASSED

Recommendations of the Land Use Committee

051248 [Sacramento Street Neighborhood Commercial District – Allowing residential conversion on second and third stories with a conditional use permit]
Supervisor Alioto-Pier

Ordinance amending Section 724.1 of the Planning Code to allow, as a conditional use, for conversion of upper floor residential units in the Sacramento Street Neighborhood Commercial District as a conditional use, where: the new use will be an Other Institution, Large, Educational Services use, only one dwelling unit in building will be converted and that unit is the only non-residential use in the building, and no legally residing tenant will be displaced; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

051554 **[Abolition of legislated setback for 301–323 14th Avenue]**
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code by abolishing the legislated front setback of the southeastern portion of the property located at 301-323 14th Avenue, identified as Assessor's Block No. 1446, Lot No. 054 (formerly Lots 001, 004, 006, 053), as shown on Block Book Map No. 1446 of the City and County of San Francisco, Volume 12; and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

FINALLY PASSED

Recommendation of the Budget and Finance Committee

051609 **[Mortgage Credit Certificates]**
Supervisors Ma, Elsbernd

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

ADOPTED

Recommendations of the Rules Committee

051704 **[Appointment - Treasury Oversight Committee]**
Resolution appointing Scott MacDonald, term ending June 5, 2009, to the Treasury Oversight Committee.

Scott MacDonald, succeeding Leonardo Fermin, resigned, seat 4, must represent the public at large, for the unexpired portion of a four-year term ending June 5, 2009.

ADOPTED

051705 **[Appointment - Bicycle Advisory Committee]**
Resolution appointing Frank Chan, term ending November 19, 2006, to the Bicycle Advisory Committee.

Frank Chan, succeeding Dianna Waggoner, seat 3, must be a nominee of District 3 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for the unexpired portion of a two-year term ending November 19, 2006.

ADOPTED

ADOPTED

051706 **[Appointment - Graffiti Advisory Board]**
Resolution appointing Milo Hanke, term indefinite, to the Graffiti Advisory Board.

Milo Hanke, succeeding Julie Viera, resigned, seat 4, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs, for an indefinite term.

ADOPTED

051709 [Appointment - Community Choice Aggregation Citizens Advisory Task Force]

Resolution appointing Maurice Campbell, term ending May 31, 2006, to the Community Choice Aggregation Citizens Advisory Task Force.

Maurice Campbell, new appointment, seat 3, must be an environmental justice advocate currently residing in the southeast sector of San Francisco, for the unexpired portion of a two-year term ending May 31, 2006.

ADOPTED

051707 [Appointment - Local Homeless Coordinating Board]

Resolution appointing Laura Guzman, L.S. Wilson, Jr., Barbara Blong and Rev. Harry Chuck, for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived.

Laura Guzman (residency waiver required), new appointment, seat 1, must be a member of the disabled community, for a term to be determined.

L.S. Wilson, Jr., new appointment, seat 2, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

Barbara Blong, new appointment, seat 3, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

Rev. Harry Chuck, new appointment, seat 4, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

ADOPTED

051708 [Appointment - Shelter Monitoring Committee]

Resolution appointing Maxine Pauson and Dorothy Harris, terms ending November 23, 2006, to the Shelter Monitoring Committee.

Maxine Pauson, succeeding Bruce Allison, resigned, seat 1, must be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006.

Dorothy Harris, succeeding Jesus Medellin, resigned, seat 6, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for the unexpired portion of a two-year term ending November 23, 2006.

ADOPTED

051592 **[Appointment - Pedestrian Safety Advisory Committee]**

Resolution appointing Anna Zacher, Pi Ra, Aileen Carrigan, terms ending March 28, 2007, and Anwar Mai, term ending March 28, 2006, to the Pedestrian Safety Advisory Committee.

Anna Zacher, succeeding Susan Vaughn, term expired, seat 2, must be a representative from a pedestrian safety organization, for the unexpired portion of a two-year term ending March 28, 2007.

Pi Ra, succeeding himself, term expired, seat 6, must be a representative from bicycle or other non-motorized wheeled personal transport organization, for the unexpired portion of a two-year term ending March 28, 2007.

Aileen Carrigan, succeeding Ed Franklin, term expired, seat 10, must represent the public at-large, for the unexpired portion of a two-year term ending March 28, 2007.

Anwar Mai, succeeding Sharon Priest, resigned, seat 11, must represent the public at-large, for the unexpired portion of a two-year term ending March 28, 2006.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

050253 **[Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations with respect to foods which are subject to a state or federal Department of Health and Human Services, Food and Drug Administration, or Environmental Protection Agency safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051458 [Public Works Code - landmark trees and penalties for violations]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Continued to November 1, 2005

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

050883 [Designating a sole source contractor for the art elements of the 24th and York Mini Park]
Supervisor Ammiano

Ordinance designating Precita Eyes Muralists as the sole source contractor for the art elements of the 24th and York Mini Park and waiving the competitive procurement requirements of San Francisco Administrative Code Chapter 6 for these services.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051250 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan;
Amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical cannabis possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations;
Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at $100; and,
Amending the San Francisco Business and Tax Regulations Code by amending Section 1 to add Section 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

(Fiscal impact.)
(Supervisor Elsbernd dissented in Committee.)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued as amended to October 25, 2005.

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 6 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Sandoval
Noes: 5 - Ammiano, Dufty, McGoldrick, Mirkarimi, Peskin

Recommendation of the Rules Committee

050867 [San Francisco Community Health Joint Powers Authority Conflict of Interest Code]
Supervisor Ammiano

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by adding section 3.1-417 to create a conflict of interest code for the San Francisco Community Health Joint Powers Authority.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Dufty, seconded by Supervisor Elsbernd, moved
to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Privilege of the Floor

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to Johnny Wilson for being the youngest person to swim across the Bay from Alcatraz and for raising $30,000 for victims of Katrina.

SPECIAL ORDER 4:00 P.M.

051627 [Public Hearing - Appeal of Categorical Exemption for 1070 Sanchez Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 28, 2005 (Case No. 2004.0810E), exempting from environmental review the proposal to demolish an existing, two-story, single-family structure, and construct in its place a four-story, two unit building. The existing building is about 29-feet-tall and contains approximately 950 gross square feet (gsf), with two bedrooms, and two independently accessible parking spaces. The new building would be about 40 feet tall, four-stories, about 4,934, gsf of space, containing two dwelling units (with three bedrooms each), and two, independently accessible parking spaces. The net change in gross square footage for the site would be an increase of about 3,984 gsf; there would be no net change in number of parking spaces. According to the project sponsor, there is a 9-inch diameter camellia, a 23-inch hemlock and an unidentified 33-inch tree on site. The camellia and hemlock would be removed and the 33-inch tree would remain with the project. According to the Historical Resource Evaluation Report, the structure was likely constructed in 1887, as the water records show a hookup date of August 26, 1887. The building is not included in any survey or inventory, and has been determined not to be an historical resource under CEQA.

The approximately 2,539 sq. ft. project site is located at 1070 Sanchez Street, west side of Sanchez Street, between Elizabeth Street and 24th Street, in the Noe Valley neighborhood of San Francisco; Lot 3 in Assessor's Block 3654 in an RH-3 (House, Three-Family) District and 40-X Height and Bulk District. (Appellant: Tracey Hughes)

(Filed 9/23/05; companion measure to Files 051628, 051629, 051630; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.

Tracey Hughes, appellant
Joe Bulter, Architect for appellant
Carolyn Lam, support of appellant
Mary Bishop, support of appellant
Female speaker, support of appellant
Chris Buck, support of appellant

Carol Roos, Lisa Gibson, Mark Luellan, representatives of the Planning Department reviewed with the Board the Planning recommendations.

Alice Barkley, Attorney for the project sponsor.
Angus McCarthy, support of project sponsor
Joe O'Donoghue, support of project sponsor

Rebuttal Period: Tracey Hughes, appellant and Joe Butler

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

051628 **[Affirming the categorical exemption issued for 1070 Sanchez Street]**

Motion affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051629 **[Disapproving the categorical exemption issued for 1070 Sanchez Street]**

Motion disapproving the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051630 **[Preparation of findings related to the categorical exemption issued for 1070 Sanchez Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

From the Budget and Finance Committee

051747 **[Setting a permit application fee and an annual license fee for medical cannabis dispensaries]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

Amended by replacing "$6,110 with $6,691".

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ma

Continued as amended to October 25, 2005.

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee

Supervisor McGoldrick Excused From Voting

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051603 **[Port of San Francisco Proposed Piers 27-31 Mixed Use Recreation Project Fiscal Feasibility]**

Resolution adopting findings that the proposed Piers 27-31 Mixed Use Recreation Project is fiscally feasible and responsible under Administrative Code Chapter 29. (Port)

(Fiscal impact.)

NOT ADOPTED by the following vote:

Ayes: 1 - Elsbernd
Noes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

051674 **[Settlement of Lawsuit - CCSF et al., v. Myers Natoma Venture, et al.]**
Mayor, Supervisor Daly

Ordinance authorizing settlement of the eminent domain action filed by the City and County of San Francisco against Myers Natoma Venture, LLC, filed on October 8, 2004 in San Francisco Superior Court, No. 04-435-334; entitled City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al.; and authorizing settlement of the lawsuit filed by Myers Natoma Venture and Myers Development Company against the City and County of San Francisco, the Transbay Joint Powers Authority, and the Peninsula Corridor Joint Powers Board, filed on July 16, 2004 in San Francisco Superior Court, No. 04-504-363, entitled Myers Natoma Development, et al., v. City and County of San Francisco, et al., for fifty-eight million dollars ($58,000,000) payable by the Transbay Joint Powers Authority with funding from the San Francisco County Transportation Authority and the Metropolitan Transportation Commission; other material terms of said settlement are that the City and County of San Francisco and the Metropolitan Transportation Commission are to take title to 80 Natoma Street if the Transbay Terminal Project fails to meet deadlines in the Cooperative Agreement for commencement of terminal operations, Myers waives any right to refile claims related to the June 2004 suspension of its permit for 80 Natoma, as well as the terms and conditions as provided in Exhibit A.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CLOSED SESSION

CONFERENCE WITH THE CITY ATTORNEY

051702 **[Closed Session - Existing Litigation City as Plaintiff and Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the following pending litigation in which, in sum, the City and County moved for eminent domain to obtain property located at 80 Natoma Street in San Francisco, near the site of the Transbay Terminal, and the property owner(s) have filed related litigation against the City.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending litigation listed below.

City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al., S. F. Superior Court No. 04-435-334 (filed October 8, 2004)
Myers Natoma Development, et al., v. City and County of San Francisco, et al., S. F. Superior Court No. 04-504-363 (filed July 16, 2004) (City Attorney)

Supervisor McGoldrick, seconded by Supervisor Daly, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 7:45 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 8:05 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Cheryl Adams, Deputy City Attorney
Ed Harrington, Controller
Audrey Pearson, Deputy City Attorney
Andrew Schwartz, Outside Counsel
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed interest with homeless issues
Spencer; invited the Board to attend to the "We Can't Wait" Drive the Bush Regime"
Former Supervisor Tony Hall; updated the Board on recent the Treasure Island Development plan
James Chaffe; expressed concern with issues relating to the SF Library
John DiDonna; expressed concern with the Blue Angels
Joe O'Donoghue; expressed concern with issues relating to theTax Assessor files
Ace Washington; showed support for the Board meeting relating to gun and gang violence

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051687 [Contracting Out City Services - D.A. Victim Witness Program]
Supervisor Ammiano

Resolution concurring with the Controller's certification that assistance to certain victims of crime and education in community anti-street violence can be practically performed for the District Attorney's Victim Witness Assistance Program by a private contract at a cost of $145,751, a lower cost than similar work services performed by City and County employees.

ADOPTED

051688 [Treasure Island Development Authority]
Supervisor Daly

Resolution urging the Treasure Island Community Developers (TICD) to pay $1.8 million to the Treasure Island Development Authority (TIDA) pursuant to the original Exclusive Negotiating Agreement (ENA), and for TIDA to immediately address the quality of life concerns of residents at Treasure Island.

ADOPTED

051689 [Commending Lawrence D. Laterza]
Supervisor Dufty

Resolution commending Lawrence D. Laterza for his career as a Licensed Clinical Social Worker in the City and County of San Francisco.

ADOPTED

051690 [Opposition to Proposition 74, "Put The Kids First Act"]
Supervisors Dufty, Ammiano, Ma

Resolution opposing Proposition 74, "Put The Kids First Act," on the November 8, 2005 special ballot election.

ADOPTED

051691 [Opposition to Proposition 75, the "Paycheck Deception Act"]
Supervisors Dufty, Ammiano, Ma

Resolution strongly opposing Proposition 75, the "Paycheck Deception Act" on the November 8, 2005 special ballot election.

ADOPTED

051693 [Oil Drilling Activities]
Supervisor Ma

Resolution urging Venoco Inc. and other petroleum and energy interests to not increase their oil drilling activities off the California coast by resuming drilling from Platform Grace, or other expansions, and to issue a public statement confirming this action.

ADOPTED

051694 [Opposing Proposition 73, the "Parental Notification and Child Protection Act"]
Supervisors Maxwell, Ma

Resolution opposing Proposition 73, otherwise known as the "Parental Notification and Child Protection Act."

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED

051697 [Zoning - Extension of Planning Commission Review Period - Better Neighborhood Planning]
Supervisor McGoldrick

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); to Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents, and to amend the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas.

ADOPTED

051698 [Commending Webzine 2005]
Supervisor Mirkarimi

Resolution commending Webzine 2005, for promoting independent online publishing.

ADOPTED

051699 [Authorizing the Sheriff Department to execute contracts with the State]
Supervisor Mirkarimi

Resolution authorizing the Sheriff Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) for the care and confinement of inmates/parolees while pending probable cause determination, revocation of parole or being returned to custody.

ADOPTED

051700 **[Accept and Expend Grant Lead Safe for Kid's Sake Award of Excellence - Fiscal Year 2005-2006; Lead Program at the Mayor's Office of Housing]**

Supervisors Peskin, Ma

Resolution authorizing the Mayor through the Mayor's Office of Housing to accept and expend a grant of $175,000.00 from the United States Conference of Mayors for outreach, education and testing related to lead hazards in housing in the City and County of San Francisco.

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED

051701 **[Condemning William Bennett for his racist comments]**

Supervisor Sandoval

Resolution condemning former Education Secretary William Bennett 's racist and inflammatory comments on his syndicated radio talk show suggesting that the abortion of African American babies would reduce the country's crime rate.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Without Reference to Committee Agenda

Supervisor Daly requested that this be severed so that it might be considered separately.

051692 **[Duplication of Health Benefits to City-Employed Spouses and Partners]**

Supervisors Elsbernd, Ma

Resolution urging the Health Service Board to adopt a rule change that will eliminate the duplication of health benefits to City-employed spouses and partners.

Supervisor Daly requested that this matter be referred to Committee.
Supervisor Ma requested to be added as a co-sponsor.

REFERRED.

Supervisor Elsbernd requested that the following two items be severed so that they might be considered separately.

051695 **[Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - $100,000]**

Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $100,000 from the Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the number of violent and drug-related crimes in the designated Weed and Seed area within the Bayview Hunters Point neighborhood.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED.

051696 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - $653,368]
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $653,368 from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the drug problem and violent activity associated with drug activity in San Francisco.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051717 [Commending Deputy City Attorney John Cooper]
Supervisors Daly, Dufty

Resolution commending John Cooper for his work as a Deputy City Attorney.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

PROPOSED MOTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour of 8:11 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
OCT 13 2005
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 11, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the following Supervisors Alioto-Pier and Sandoval were noted absent.

Supervisor Sandoval was noted present at 2:06 p.m.
Supervisor Alioto-Pier was previously was previously excused. (See Infra)

Supervisor Alioto-Pier Excused from Attendance

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to excuse Supervisor Alioto-Pier from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to approve September 13, 2005 and September 20, 2005 Meeting Minutes.. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051440 **[Airport Equipment Maintenance and Operating Agreement]**

Resolution approving Equipment Maintenance and Operating Agreement between San Francisco Terminal Equipment Company, LLC and the City and County of San Francisco, acting through its Airport Commission. (Airport Commission)

ADOPTED

051530 **[Airport Public Parking Services Proposition]**

Resolution approving the Controller's certification that Airport Public Automobile Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact.)

ADOPTED

051531 **[Airport Employee Parking Services Proposition J]**

Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact.)

ADOPTED

051533 **[Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to continue a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2004 through June 30, 2008. (Public Health Department)

(Fiscal impact.)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

051464 **[Traffic Regulations]**

Supervisor Ammiano

Resolution enacting and rescinding traffic regulations on various streets

MID-BLOCK CROSSWALK - ESTABLISH
Alabama Street, between 24th and 25th Streets.

(8/15/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

051546 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY NO STOPPING ANYTIME – ESTABLISH
Beacon Street, both sides, from the south end of the driveway of 383 Beacon Street to 120 feet southerly.

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

ADOPTED

051547 **[STOP Intersections]**
Supervisor Elsbernd

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Clement Street and 15th Avenue, stopping Clement Street at 15th Avenue, making this intersection an all-way STOP.
Flood Avenue at Congo Street, installing STOP signs on Flood Avenue at Congo Street, making this intersection an All-Way STOP.
Fairfield Way at Kenwood Way, installing a STOP sign on Fairfield Way at Kenwood Way. (Parking and Traffic Department)

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

ADOPTED

051553 **[Supporting the City's application for Prop 63 Mental Health Funding]**
Supervisor Ma

Resolution supporting the City's application to the State of California for the Mental Health Services Act (MHSA). (Public Health Department)

ADOPTED

051587 **[Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]**
Supervisor Mirkarimi

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2005-2006. (Public Health Department)

ADOPTED

Recommendations of the Rules Committee

051540 **[Settlement of Lawsuit - Torfirio Carpenter]**

Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for $40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051541 **[Settlement of Lawsuit - Raymond Nario]**

Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for $60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051442 **[Settlement of Lawsuit - Anna Maria Olmedo]**

Ordinance authorizing settlement of the lawsuit filed by Anna Maria Olmedo against the City and County of San Francisco for $62,500; the lawsuit was filed on August 15, 1999 in San Francisco Superior Court, Case No. 314-031.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

051378 **[Sale of City Property located at 425 Mason Street, San Francisco]**

Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

051458 [Public Works Code - landmark trees and penalties for violations]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Continued as amended to October 18, 2005

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

From the City Operations and Neighborhood Services Committee with Recommendation "Do Not Pass"

050689 [Public Works Code - significant trees, landmark trees, and penalties for violations]
Supervisor Daly

Ordinance amending the Public Works Code by amending Sections 802, 804, 807, and 808 and adding Section 810A to address removal, maintenance, and nomination of significant trees as defined herein; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Section 810 to allow the City to landmark any tree within its territorial limits; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

050922 [Payroll Expense Tax Exclusion for qualified clean energy technology businesses]
Supervisors McGoldrick, Alioto-Pier, Mirkarimi, Elsbernd, Ma

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for qualified clean energy technology businesses, as specified.

Continued to October 25, 2005
Supervisor Ma requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - Alioto-Pier

Supervisor Sandoval Excused From Voting

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Sandoval, at his request, from voting on this matter due to a possible conflict of interest. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Alioto-Pier, Sandoval

051512 [Amendment to Budget Analyst contract to exercise two year option]
Supervisor Peskin

Motion approving exercising the first option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2006 through December 31, 2007.

(Fiscal impact.)

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Maxwell
Excused: 2 - Alioto-Pier, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

050253 [Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations with respect to foods which are subject to a state or federal safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Continued as amended to October 18, 2005

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Daly was noted absent at 4:06 p.m.

051382 [Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) - include Entertainment Commission and Emergency Medical Services in review process]
Supervisor Daly

Ordinance amending San Francisco Traffic Code Section 800 to include the Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT); amending Section 801 to require emergency medical services plans for "major events" and the inclusion of the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) in approval process for major event applications; amending Section 802 to expand definition of "major events" to include street fairs; amending Section 804 to require Clerk of the Board of Supervisors to transmit copies of any legislation approving a temporary street closing for major events to the Director of EMSEO; amending Section 806 to include the Executive Director of the Entertainment Commission in the review process of applications for temporary use of streets for street fairs; amending San Francisco Administrative Code Section 90.4 to require permit applicants for major events to submit an emergency medical services plan to the Entertainment Commission for consideration in the approval of permit applications for major events.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Alioto-Pier

051505 [Traffic Regulations]
Supervisor Dufty

Resolution enacting and rescinding traffic regulations on various streets

BICYCLE LANES - ESTABLISH (6-month trial)
Fourteenth Street, eastbound, from Market Street to Dolores Street.

ONE WAY STREET – ESTABLISH (6-month trial)
Fourteenth Street, from Market Street to Dolores Street (two-way to eastbound only).

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

051522 **[To de-appropriate current capital project appropriations to reflect updated sources and uses of capital project funding]**
Mayor

Ordinance de-appropriating $287,977,266 of existing sources and uses authority for various San Francisco International Airport (SFIA) capital project funding to reflect actual sources of funding available to support the Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Alioto-Pier

051529 **[To appropriate capital project funding to reflect updated sources and uses appropriation consistent with the priorities outlined in the San Francisco International Airport's Five-Year Capital Plan]**
Mayor

Ordinance appropriating $243,723,524 in total sources and uses, including the de-appropriation of $125,321,506 in current project funding to use this source for appropriation, as well as appropriating an additional $26,055,079 of available Airport fund balance, $59,588,300 of grant authorization to accept and expend funds from the Federal Aviation Administration for projects related to security, runway and taxiway construction and improvements, $23,182,388 of grant authorization to accept and expend funds from the California Department of Transportation (Caltrans) for viaduct construction, and $9,576,251 in interest income. These various sources and uses are herein appropriated for various San Francisco International Airport (SFIA) capital projects as detailed below to reflect the updated San Francisco International Airport Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09. Of the $243,723,524 appropriated, $24,970,000 for the Westfield Cargo Redevelopment project is herein placed on reserve.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Alioto-Pier

Recommendations of the Land Use Committee

Supervisor Daly was noted present at 4:11 p.m.

051248 [Sacramento Street Neighborhood Commercial District – Allowing residential conversion on second and third stories with a conditional use permit]
Supervisor Alioto-Pier

Ordinance amending Section 724.1 of the Planning Code to allow, as a conditional use, for conversion of upper floor residential units in the Sacramento Street Neighborhood Commercial District as a conditional use, where: the new use will be an Other Institution, Large, Educational Services use, only one dwelling unit in building will be converted and that unit is the only non-residential use in the building, and no legally residing tenant will be displaced; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051554 [Abolition of legislated setback for 301–323 14th Avenue]
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code by abolishing the legislated front setback of the southeastern portion of the property located at 301-323 14th Avenue, identified as Assessor's Block No. 1446, Lot No. 054 (formerly Lots 001, 004, 006, 053), as shown on Block Book Map No. 1446 of the City and County of San Francisco, Volume 12; and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor introduced, welcomed and presented a Certificate of Honor to Linus Back in recognition of his Anniversary of his 27 years of service to the City and County of San Francisco.

SPECIAL ORDER 4:00 P.M.

051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.

The President declared the public hearing closed.
Continued to October 25, 2005

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

051223 [Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051224 **[Disapproving the categorical exemption issued for 899 North Point Street]**

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051225 **[Preparation of findings related to the categorical exemption issued for 899 North Point Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.

051542 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review (Variance Decision) for 2642 and 2644 Hyde Street]**

Hearing of persons interested in or objecting to the variance decision of the Planning Department dated July 13, 2005 (Case No. 2004.1312V), exempting from environmental review the proposal to rebuild an existing second-floor balcony within the required rear yard of the existing two-family structure that was originally constructed without a permit. The balcony would be approximately 12 feet wide, 3 feet deep, and set back from each side property line by approximately 5 feet. The balcony would be cantilevered over the rear yard.

The project is located at 2642 and 2644 Hyde Street, east side between Bay and North Point Streets; Lot 017 in Assessor's Block 0027 in an RH-3 (House, Three-Family) District and 40-X Height and Bulk District. (Appellant: Stephen M. Williams.)

(Filed 8/31/05; companion measure to Files 051543, 051544, 051545; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.
Stephen Williams, Appellant withdrew the appeal.
The President declared the public hearing closed.

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review (variance decision) described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

051543 [Affirming the categorical exemption issued for 2642-2644 Hyde Street]

Motion affirming the determination by the Planning Department that the 2642-2644 Hyde Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051544 [Disapproving the categorical exemption issued for 2642-2644 Hyde Street]

Motion disapproving the determination by the Planning Department that the 2642-2644 Hyde Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051545 [Preparation of findings related to the categorical exemption issued for 2642-2644 Hyde Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2642-2644 Hyde Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

COMMITTEE REPORTS

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Dufty provided the Board with an update on the Mental Health Board on which he represents the Board of Supervisors.

Supervisor Maxwell provided the Board with an update on the California League of Cities on which she represents the Board of Supervisors.

Supervisor Ma provided the Board with an update on the Disaster Council on which she represents the Board of Supervisors.

Supervisor Daly provided the Board with an update on the Urban Counties Caucus on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board with an update on the Golden Gate Bridge District and Municipal Transportation Authority on which he represents the Board of Supervisors.

Supervisor Elsbernd provided the Board with an update on the Health Service Board on which he represents the Board of Supervisors.

PUBLIC COMMENT

Patricia Vaughey; expressed concern with neighborhood issues relating to issuing of restaurant equipment
Abdullah Megaheed; requested the Board to honor the 9 year old who completed a swim for Alcatraz to San Francisco
James Chaffee; expressed concern with SFLibrary issues
Fred Solmon; showed support for Item 37
Mike Strickland; expressed concern with the Blue Angels flying over the City
Tony Coleman; showed support for Item 37
Male Speaker; showed support for Item 37

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor McGoldrick was noted absent at 5:01 p.m.

051632 [Walk to School Day]
Supervisor Ma

Resolution declaring October 5, 2005 as "Walk Our Children to School Day" in the City and County of San Francisco.

ADOPTED

051634 **[Microenterprise Development Month]**
Supervisor Ma

Resolution declaring October 2005 as "Microenterprise Development Month" in the City and County of San Francisco.

ADOPTED

051638 **[Employment Policies and Procedures Regarding Criminal History]**
Supervisors Ammiano, Maxwell, Daly, Mirkarimi, Dufty

Resolution urging the Civil Service Commission and the Department of Human Resources to review and revise current policies and procedures where appropriate so that people who have been in prison or convicted of criminal activity are not unreasonably denied City employment.

ADOPTED

051655 **[Declaring October 1, 2005, to be Renewable Energy Day in San Francisco]**
Supervisor Elsbernd

Resolution declaring October 1, 2005, to be Renewable Energy Day in San Francisco.

ADOPTED

051656 **[Proclaiming October 2005 as "San Francisco Disaster Preparedness Month"]**
Supervisors Ma, Dufty

Resolution proclaiming October 2005 as "San Francisco Disaster Preparedness Month".

ADOPTED

051657 **[Commending the Second Annual Loveparade San Francisco]**
Supervisor Mirkarimi

Resolution commending the success of the 2005 Loveparade San Francisco.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Alioto-Pier

051658 **[Shared Lane Markings on Seventh Avenue]**
Supervisor Mirkarimi

Resolution urging the Department of Parking and Traffic to complete stenciling Shared Lane Markings on Seventh Avenue between Kirkham Street and Lincoln Way.

ADOPTED.

051659 **[Supporting Federal Legislation H.R. 1492 - Preservation of Historic Confinement Sites]**
Supervisors Peskin, Mirkarimi

Resolution expressing support for House Resolution 1492, federal legislation to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II.

ADOPTED.

051631 [Needle Exchange Emergency]

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Alioto-Pier

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051586 **[Settlement of Lawsuit - Microsoft Corporation, et al.]**

Ordinance authorizing settlement of the class-action lawsuit filed by the City and County of San Francisco against Microsoft Corporation for $1,000,000; the lawsuit was filed on August 27, 2004 in San Francisco Superior Court; entitled City and County of San Francisco, et al., v. Microsoft Corporation, et al.; Microsoft removed the action to federal court and then transferred the action to the United States District Court for the District of Maryland. (City Attorney)

9/20/05, RECEIVED AND ASSIGNED to Rules Committee.

051598 **[Settlement of Lawsuit - King C. Electric, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by King C. Electric, Inc. against the City and County of San Francisco according to the following terms: a) King C. Electric, Inc. ("KCE") pays one hundred nine thousand one hundred eighty-five dollars and ninety-three cents ($109,185.93) to the City; b) the City pays seventy-eight thousand nine hundred eighty-three dollars and twenty-one cents ($78,983.21) to KCE; and c) KCE is debarred from performing construction contracts on City-owned projects for two and a half years. The lawsuit was filed on April 14, 2004 in the Superior Court of the City and County of San Francisco, Case No. CGC-o4-430671; entitled King C. Electric, Inc. v. City and County of San Francisco et al. and related cross-action. (City Attorney)

9/23/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051585 **[Acceptance of Subsurface Easement at 2-4 Winfield Street]**

Resolution authorizing the acceptance of a permanent subsurface easement at 2-4 Winfield Street, Assessor's Block 5661, Lot 001 for tie-back rods connected to a City-constructed retaining wall. (Real Estate Department)

9/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051587 **[Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]**
Supervisor Mirkarimi

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2005-2006. (Public Health Department)

9/20/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Department requests this item be considered at the October 3, 2005 meeting.

10/11/05, ADOPTED.

Supervisor Mirkarmi requested to be added as co-sponsor.

051589 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND
RIGHT TURN ONLY ONTO SAN JOSE AVENUE - ESTABLISH
Brook Street, westbound, at San Jose Avenue

NO TURN ON RED - ESTABLISH
Sacramento Street, westbound at Stockton Street; and,
Stockton Street, southbound, at Sacramento Street (to facilitate the installation of pedestrian scramble).

ONE-WAY STREET (NORTHBOUND) - RESCIND
ONE-WAY STREET (SOUTHBOUND) - ESTABLISH
Ritch Street, between Brannan and Bryant Streets (200 block). (Parking and Traffic Department)

9/23/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051597 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Alameda Street, both sides, between Potrero Avenue and Utah Street; and,
Utah Street, west side, between Alameda and 15th Streets.

2-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Marin Street, both sides, from Evans Avenue easterly to the terminus.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM – 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Langton Street, both sides, from Bryant Street to 272 feet southerly (the end of the public right-of-way (300 block)).

SIDEWALK WIDTH - REDUCE
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Ingerson Avenue, south side, from 40 feet to 100 feet east of 3rd Street (sidewalk would be reduced from being 25 feet to 15 feet wide).

DIAGONAL (45-DEGREE ANGLE) PARKING - ESTABLISH
Brannan Street, northeast side, from approximately 103 feet east of Colin P. Kelly, Jr. Street to approximately 36 feet west of Delancey Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, north side, from 1st Street to 140 feet westerly. (Parking and Traffic Department)
9/23/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051599 **[Official Advertising - Type 1 for Consecutive Day Publication and Type 2 for Non-Consecutive Day Publication]**

Resolution designating the San Francisco Chronicle and Examiner to be the official newspapers of the City and County of San Francisco for the category of Type 1consecutive day, and Type 2 non consecutive day official advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)
9/23/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051603 **[Port of San Francisco Proposed Piers 27-31 Mixed Use Recreation Project Fiscal Feasibility]**

Resolution adopting findings that the proposed Piers 27-31 Mixed Use Recreation Project is fiscally feasible and responsible under Administrative Code Chapter 29. (Port)
10/3/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

051660 **[Settlement of Claim - Louis Vuitton, Inc.]**

Resolution approving the settlement of the unlitigated claim filed by Louis Vuitton, Inc., against City and County of San Francisco for $93,000.00. (City Attorney)
10/3/05, RECEIVED AND ASSIGNED to Rules Committee.

051661 **[Settlement of Lawsuit - Walter Reed]**

Ordinance authorizing the settlement of a lawsuit filed by Walter Reed against the City and County of San Francisco for $36,000.00; the lawsuit was filed on December 15, 2003, in San Francisco Superior Court, Case No. 414322, entitled Walter Reed v. City and County of San Francisco, et al. (City Attorney)

10/3/05, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:09 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES
DOCUMENTS DEPT.
OCT 27 2005
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Tuesday, October 25, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:32 p.m. On the call of the roll the following Supervisors Alioto-Pier, Daly, Dufty and Maxwell were noted absent.

Supervisors Daly and Dufty were noted present at 2:34 p.m.
Supervisor Alioto-Pier was noted present at 2:35 p.m.
Supervisor Maxwell was noted present at 2:37 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Sandoval, moved to approve September 27, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Maxwell

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

050883 [Designating a sole source contractor for the art elements of the 24th and York Mini Park]
Supervisor Ammiano

Ordinance designating Precita Eyes Muralists as the sole source contractor for the art elements of the 24th and York Mini Park and waiving the competitive procurement requirements of San Francisco Administrative Code Chapter 6 for these services.

FINALLY PASSED

051596 **[Contract Amendment for Muni Metro East Light Rail Facility]**

Resolution authorizing the Director of Transportation to execute the Tenth Amendment to San Francisco Municipal Railway Contract No. CS-116, Design and Construction Support Services for Muni Metro East Light Rail Vehicle Maintenance and Operations Facility with Gannett Fleming, Inc. for an amount not to exceed $3,313,629, for a total contract amount not to exceed $12,262,990, and for a contract extension of two and one-half years, for a total contract term of ten years. (Municipal Transportation Agency)

(Fiscal impact.)

ADOPTED

051635 **[FY 2005-06 California Constitution Appropriations Limit]**
Supervisor Peskin

Resolution establishing the appropriations limit for Fiscal Year 2005-06 pursuant to California Constitution Article XIII B.

ADOPTED

051642 **[Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal years 2004-2005 and 2005-06]**
Supervisor Peskin

Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal years ending June 30, 2005 and June 30, 2006.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

051387 **[Temporary Occupancy of Commercial Vehicle Parking Meters]**
Supervisor Peskin

Resolution establishing temporary occupancy of a portion of the commercial vehicle parking meters on the north side of Post Street between Kearny and Montgomery from 8:30 am to 5:00 pm on every Thursday beginning July 14, 2005 through November 30, 2006.

ADOPTED

051497 **[Liquor License, 2339 Third Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 3699 17th Street to 2339 Third Street, Suite 19 to Jason Walthall for Taste Inc. will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

051670 **[State funding for California Healthcare for Indigents Program (CHIP) allocation for medical services to indigent persons]**
Supervisor Ma

Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation in the amount of $2,622,282 for Fiscal Year 2005-06 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, and personal services; for the period of July 1, 2005, to June 30, 2006.

ADOPTED

Recommendation of the Rules Committee

050867 **[San Francisco Community Health Joint Powers Authority Conflict of Interest Code]**
Supervisor Ammiano

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by adding section 3.1-417 to create a conflict of interest code for the San Francisco Community Health Joint Powers Authority.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

051250 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house residential-mixed zoning districts, industrial districts, and certain mixed use districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require the Planning Commission to hold a discretionary review hearing on each medical cannabis dispensary application; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan;
Amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical cannabis possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries including signage and advertising requirements; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations;
Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at $100; and,
Amending the San Francisco Business and Tax Regulations Code by amending Section 1 to add Sections 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

Continued to November 15, 2005

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051747 [Setting a permit application fee and an annual license fee for medical cannabis dispensaries]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

Continued to November 15, 2005

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050922 [Payroll Expense Tax Exclusion for qualified clean energy technology businesses]
Supervisors McGoldrick, Alioto-Pier, Mirkarimi, Elsbernd, Ma, Sandoval

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for qualified clean energy technology businesses, as specified.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to further amend the amendment of the whole.
Motion to amend further carried without objection.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Sandoval requested to be added as a co-sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

051674 [Settlement of Lawsuit - CCSF et al., v. Myers Natoma Venture, et al.]
Mayor, Supervisor Daly

Ordinance authorizing settlement of the eminent domain action filed by the City and County of San Francisco against Myers Natoma Venture, LLC, filed on October 8, 2004 and amended on November 5, 2004, in San Francisco Superior Court, No. 04-435-334; entitled City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al.; and authorizing settlement of the lawsuit filed by Myers Natoma Venture and Myers Development Company against the City and County of San Francisco, the Transbay Joint Powers Authority, and the Peninsula Corridor Joint Powers Board, filed on July 16, 2004 in San Francisco Superior Court, No. 04-504-363, entitled Myers Natoma Development, et al., v. City and County of San Francisco, et al., for fifty-eight million dollars ($58,000,000) payable by the Transbay Joint Powers Authority with funding from the San Francisco County Transportation Authority and the Metropolitan Transportation Commission; other material terms of said settlement are that the San Francisco County Transportation Authority and the Metropolitan Transportation Commission are to take title to 80 Natoma Street if the Transbay Terminal Project fails to meet deadlines in the Cooperative Agreement for commencement of terminal operations, Myers waives any right to refile claims related to the June 2004 suspension of its permit for 80 Natoma, as well as the terms and conditions as provided in Exhibit A.

FINALLY PASSED **the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

050253 [Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations with respect to foods which are subject to a state or federal Department of Health and Human Services, Food and Drug Administration, or Environmental Protection Agency safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

051297 [Accept-Expend Corporate Grant - Department of the Environment]
Supervisor Ma

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $61,223.20 from Air Products and Chemicals, Incorporated (Inc.) for completion of site work for a hydrogen fueling station.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

051599 [Official Advertising - Type 1 for Consecutive Day Publication and Type 2 for Non-Consecutive Day Publication]

Resolution designating the San Francisco Chronicle and Examiner to be the official newspapers of the City and County of San Francisco for the category of Type 1 consecutive day, and Type 2 non consecutive day official advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)

Continued to November 1, 2005

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

051534 **[Public Hearing - Sidewalk Assessment Costs 534 Octavia Street]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

051532 **[Report of assessment costs for sidewalk and curb repairs - 534 Octavia Street]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,586; Location: 534 Octavia Street.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Rick Ruvolo in recognition of his retirement from the City and County of San Francisco employment.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor Dr. Victor Batarseh, Mayor of Bethlehem.

SPECIAL ORDER 4:00 P.M.

051222 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members.
The President declared the public hearing closed.
Continued to November 22, 2005

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

051223 **[Affirming the categorical exemption issued for 899 North Point Street]**

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 22, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051224 **[Disapproving the categorical exemption issued for 899 North Point Street]**

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 22, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051225 **[Preparation of findings related to the categorical exemption issued for 899 North Point Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 22, 2005

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 4:18 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:36 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval - 9

Supervisor Mirkarimi was noted present at 4:38 p.m.

SPECIAL ORDER 4:30 P.M.

Supervisor Daly noted absent at 4:36 p.m.
Supervisor Alioto-Pier noted absent at 7:45 p.m.
Supervisor McGoldrick noted absent at 8:30 p.m.
Supervisor McGoldrick noted present at 9:00 p.m.
Supervisor Alioto-Pier noted present at 9:05p.m.
Supervisor Daly noted present at 9:07 p.m.
Supervisor Daly noted absent at 9:34 p.m.
Supervisor Daly noted present at 9:45 p.m.

051445 **[Public Hearing - Appeal of Final Environmental Impact Report for 491 Bayshore Boulevard (HOME DEPOT)]**

Hearing of persons interested in or objecting to the Planning Commission's July 28, 2005, certification of a Final Environmental Impact Report identified as Case No. 2001.0062E, through its Motion 17071. The proposed project would involve the demolition of the existing vacant buildings equaling approximately 107,372 square feet and the construction of approximately 140,000 square foot home improvement center (HOME DEPOT) with a separate, attached 235,597 square foot parking garage accommodating 585 parking spaces with an M-1 (Light Industrial) District, a 65-J Height and Bulk District, and the Industrial Protection Zone Special Use District, located at 491 Bayshore Boulevard, Assessor's Block 5598, Lots 8, 9, 11, 13, 15, 16, 18, 21 and 28. (Appellant: Sue C. Hestor, Attorney, on behalf of Cole Hardware).

(Date Filed: 8/11/05; companion measure to Files 051446, 051447, 051448; District 10.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Rich Hart, Cole Hardware, appellant (Check name)
Sue Hestor, on behalf of the appellant
Ed Clark; support of appellant
Mike Casey; support of appellant
Connie Ford, SF Labor Council; support of appellant
Frank Martin, Latino Labor Council; support of appellant
Maria Harrison; support of appellant
Bianca; support of appellant
Mark Majors; support of appellant
(5 individuals released speaking time to show video)
Carlos Julio Gonzalez; support of appellant
(1 individual released speaking time to show video)
Andy Loughsinger; support of appellant
Rich Hunt; support of appellant
Jeff Powlaski; support of appellant
Linda Cook; support of appellant
Keith Gentor; support of appellant
Wendy Shanen; support of appellant
Shell Klein; support of appellant
Steven Cornell; support of appellant
Joseph Blair; support of appellant
Jeff Leopold; support of appellant
Gwen Kaplan; support of appellant
Dave Sahagan; support of appellant
Ernie Estin; support of appellant
Robert Frost; support of appellant
Michael Larsen; support of appellant
Mike Clauson; support of appellant
Gary Frank; support of appellant
Lawrence Winn; support of appellant
Enya Karuna; support of appellant
Peter Gable; support of appellant
Scott Haughey; support of appellant
Wendy Phillips; support of appellant
Eric Casel; support of appellant
Ms. Pigpen; support of appellant
Amy Kyle; support of appellant
Jeanna Solomon; support of appellant
John Perry; support of appellant
Carl Koney; support of appellant
Chris Woodman; support of appellant
Tom Breason; support of appellant
Barbara Heil; support of appellant

Jason Yusinski; support of appellant
Rose Garcia; support of appellant
Lillian Fireside; support of appellant
Maurico Avilo; support of appellant
Debra Levy; support of appellant
Male speaker; support of appellant
Kemo; support of appellant
Elizabeth Zintron; support of appellant
Male speaker; support of appellant
Francisco; support of appellant
Lia Shane; support of appellant
Robin Winter; support of appellant

Paul Maltzer and Bill Wysko, representatives of the Planning Department, reviewed the Planning Commission's recommendation with the Board members.

Frank Cota, Architect for project sponsor
Ann Shimko, Land Use Attorney for project sponsor
Charlie Walker; support of project sponsor
Espanola Jackson; support of project sponsor
Judith Berkowitz; support of project sponsor
Michael Miller; support of project sponsor
Dorothy Brown; support of project sponsor
Francisco Di Costa; support of project sponsor
Female speaker, Young Community Developers; support of project sponsor
Roy Bryant; support of project sponsor
Ms. Cobert; support of project sponsor
Joe Cora; support of project sponsor
Terry Hilton; support of project sponsor
Jamal Butler; support of project sponsor
John M.; support of project of sponsor
Claude Augustine; support of project sponsor
Moe Washington; support of project sponsor
A. Coleman; support of project sponsor
Jim Spinella; support of project sponsor
John Barbi; support of project sponsor
Darlene Calloway; support of project sponsor
Pastor Aurelius Walker; support of project sponsor
Anthony Jefferson; support of project sponsor
Linda Richardson; support of project sponsor
Mary Hurst; support of project sponsor
Dwayne Cacino; support of project sponsor
Mr. Alvarez; support of project sponsor
Richard Jones; support of project sponsor
Lyndon Chew; support of project sponsor
Howard Woo; support of project sponsor
Hazel Lee; support of project sponsor
Helen Gee; support of project sponsor
Alex Kee; support of project sponsor
Male speaker; support of project sponsor
Michael Hammond; support of project sponsor
Female speaker, Excelsior District Action Committee; support of project sponsor
Kim Brandon; support of project sponsor
Timothy Allen Simon; support of project sponsor
Renee Perez; support of project sponsor
Male speaker; support of project sponsor
Al Moore; support of project sponsor

Charles Clancy; support of project sponsor
Female speaker; support of project sponsor
Reverend Arnold Townsend; support of project sponsor
Larry Fleming; support of project sponsor
Darnel Elton; support of project sponsor
Bob Peacock; support of project sponsor
Male speaker; support of project sponsor
Walter Wilson; support of project sponsor
Laura Weiss; support of project sponsor
Stephen Aiello; support of project sponsor
Male Speaker; support of project sponsor
Male speaker; support of project sponsor
Lionel Brazil; support of project sponsor
George Gosestas; support of project sponsor
Linda Vincent; support of project sponsor

Rebuttal Period: Sue Hestor, on behalf of the appellant

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

051446 **[Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]**
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 1, 2005

Supervisor Dufty, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051447 **[Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**
Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 1, 2005

Supervisor Dufty, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051448 **[Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 1, 2005

Supervisor Dufty, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

COMMITTEE REPORTS

051748 **[Medical cannabis dispensary application fee increase and adjustment of application and annual license fees based on changes in CPI]**

Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to amend Section 3204 to provide for adjustments of the application fee for medical cannabis dispensary permits based on changes to the consumer price index and amending the Business and Tax Regulations Code to amend Section 249.17 to provide for adjustments in the medical cannabis dispensaries annual license fees based on changes to the consumer price index.

Continued to November 15, 2005

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with general issues
Brent Sabi; expressed concern with issues relating to medical marijuana cards issued by the State
James Chaffee; expressed concern with issues relating to National politics regarding to religious broadcasts
Jonathan Beaver; expressed concern expressed concern with issues relating to medical marijuana cards issued by the State
Mr. Kosman; expressed concern with issues relating to various technology legislation
Eugene Gordon, Jr.; expressed concern with terrorist and racist issues
Mathew Pruitt; expressed concern with issues relating to medical marijuana cards issued by the State
Male speaker; expressed concerns with the releasing of patient information relating to the distribution of medical marijuana

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051727 **[Urging Commemoration of Harvey Milk Stamp]**
Supervisors Daly, Ammiano, Dufty, Sandoval

Resolution urging the United States Post Master General to issue a commemorative stamp of Harvey Milk.

ADOPTED

051730 **[Commending the San Francisco Health Plan]**
Supervisor Maxwell

Resolution commending the San Francisco Health Plan for their commitment and dedication to the residents of the City.

ADOPTED

051728 **[Commending Lights On Afterschool]**
Supervisor Ma

Resolution commending Lights On Afterschool!

ADOPTED

051729 **[Accept-Expend Federal Grant - Department of the Environment]**
Supervisor Ma

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $25,000 from the Environmental Protection Agency Aging Initiative to reduce seniors' exposure to environmental hazards, increase senior participation in free and low cost toxic reduction programs currently being offered by the City and to work with seniors and senior networks to conduct outreach and education efforts to seniors by seniors.

ADOPTED

051730 **[Commending the San Francisco Health Plan]**
Supervisor Maxwell

Resolution commending the San Francisco Health Plan for their commitment and dedication to the residents of the City.

ADOPTED

051731 **[Proclaiming November 2005 as Lung Cancer Awareness Month in San Francisco]**
Supervisor Maxwell

Resolution proclaiming November 2005 as Lung Cancer Awareness Month in San Francisco.

ADOPTED

051733 **[Acceptance of a monetary gift - Recreation and Park Department]**
Supervisor Maxwell

Resolution approving the acceptance of a monetary gift of $53,075 from Michael Lanza to the Recreation and Park Department to fund improvements for the Arkansas Friendship Community Garden and a pathway at Potrero Hill Playground, and to support recreational programs at Potrero Hill Recreation Center.

ADOPTED

051734 **[Grant of Federal Funds - Municipal Transportation Agency]**
Supervisor Maxwell

Resolution authorizing the Municipal Transportation Agency to accept and expend $23,600 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 projects, excluding administrative overhead costs.

ADOPTED

051735 **[Accept-Expend Federal Grant - Department of the Environment]**
Supervisor Mirkarimi

Resolution authorizing the Department of the Environment to accept and expend grant funds in the amount of $15,000 from the Environmental Protection Agency (EPA) for the ongoing development of a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco and disseminate information about the database to stakeholders.

ADOPTED

051736 **[Home Care and Hospice Day]**
Supervisors Peskin, Daly

Resolution commending the San Francisco Bay Area Regional Council of Home Care Providers, and declaring November 9, 2005, Home Care and Hospice Day in San Francisco.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

051738 **[Commending Plant*SF, Sidewalk Pocket Park Gardens]**
Supervisor Ammiano

Resolution commending the work of Plant*SF, Sidewalk Pocket Park Gardens and other projects that promote community-based permeable landscaping and public open-space gardens located on public rights-of-way.

ADOPTED

051712 **[Needle Exchange Emergency]**
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

051732 **[Committee of the Whole - November 1, 2005 at 5:30 p.m.]**
Supervisors Maxwell, Mirkarimi

Motion scheduling a Committee of the Whole on November 1, 2005, at 5:30 p.m. to hold a hearing to discuss the City's plan to end gun and gang violence in San Francisco.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051719 **[Judicial Review of the Ogoni Nine]**
Supervisors Ammiano, Daly, Elsbernd

Resolution urging the Government of Nigeria to conduct a full judicial review of the trial of the Ogoni Nine, make reparations to the survivors of the Ogoni Nine, increase social spending for the Ogoni and the Niger Delta as a whole, ensure that all members of the security forces receive training in international standards on the use of force and firearms, in particular the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Supervisors Daly and Elsbernd requested to be added as co-sponsors.

Amended by inserting "United States Government to urge" before "urging the Government of Nigeria".

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051723 **[Designating the Committee on Parades]**
Supervisor Peskin

Motion designating the City Operations and Neighborhood Services Committee of the Board of Supervisors as the Committee on Parades.

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051770 [Commending the Jerry Garcia Estate]

Supervisors Sandoval, Ma

Resolution commending the Jerry Garcia Estate for its tremendous assistance, support, and generosity in promoting and improving McLaren Park and the Excelsior and congratulating the neighbors, community members, and activists who successfully lobbied to have the McLaren Amphitheater renamed the Jerry Garcia Amphitheater.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051771 [Congratulating Julio and Keiko Ramos]

Supervisor Sandoval

Resolution congratulating Julio and Keiko Ramos on the birth of their first child, Mia Ramos.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051654 **[Settlement of Lawsuit - Deaf Counseling Advocacy and Referral Agency, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Deaf Counseling Advocacy and Referral Agency, et al., against the City and County of San Francisco, et al. for an agreement to make certain disability access improvements at the San Francisco International Airport, and by the payment of $40,000 in damages, $235,000 in attorney's fees, and $14,500 in costs; the lawsuit was filed on April 17, 2002, in US District Court (Case No C02-1844 MEJ). (City Attorney)

10/11/05, RECEIVED AND ASSIGNED to Rules Committee.

051759 **[Rewards to Informants (Real Estate Watchdogs) for Information Related to the Detection of Underpayment of Property Tax]**

Ordinance amending Chapter 10 of the San Francisco Administrative Code by adding Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco. (Assessor-Recorder)

10/17/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/24/2005.

PROPOSED RESOLUTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour of 10:00 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES
DOCUMENTS DEPT.
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Tuesday, November 1, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

CONSENT AGENDA

Recommendations of the Rules Committee

051354 **[Settlement of Lawsuit - George Q. Chen]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against George Q. Chen, for a payment to the Airport in the amount of $113,800.00, and on certain other terms; the lawsuit was filed on December 1, 2003, in United States Bankruptcy Court for the Northern District of California, Adversary Case No. 03-3713 DM and entitled City and County of San Francisco v. George Q. Chen. (City Attorney)

PASSED, ON FIRST READING

051583 **[Settlement of Lawsuit - Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al]**

Ordinance authorizing settlement of the lawsuit filed by Frederick Meiswinkel, Inc. for $1,800,000 against the Hunt Construction Group, Inc. and Hunt cross-complaint against the City and County of San Francisco seeking indemnity from the claims brought by Meiswinkel; the lawsuit was filed on March 2, 2004 in San Francisco Superior Court, Case No. CGC –04-429249; entitled, Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al; other material terms of said settlement are nonmaterial terms. (City Attorney)

PASSED, ON FIRST READING

051584 **[Settlement of Lawsuit - Kaiser Foundation Hospitals]**

Ordinance authorizing settlement of the lawsuit filed by Kaiser Foundation Hospitals against the City and County of San Francisco for $67,500.00; the lawsuit was filed on May 4, 2005 in San Francisco Superior Court, Case No. 429-909; entitled Kaiser Foundation Hospitals v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

051598 **[Settlement of Lawsuit - King C. Electric, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by King C. Electric, Inc. against the City and County of San Francisco according to the following terms: a) King C. Electric, Inc. ("KCE") pays one hundred nine thousand one hundred eighty-five dollars and ninety-three cents ($109,185.93) to the City; b) the City pays seventy-eight thousand nine hundred eighty-three dollars and twenty-one cents ($78,983.21) to KCE; and c) KCE is debarred from performing construction contracts on City-owned projects for two and a half years. The lawsuit was filed on April 14, 2004 in the Superior Court of the City and County of San Francisco, Case No. CGC-o4-430671; entitled King C. Electric, Inc. v. City and County of San Francisco et al. and related cross-action. (City Attorney)

PASSED, ON FIRST READING

051654 **[Settlement of Lawsuit - Deaf Counseling Advocacy and Referral Agency, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Deaf Counseling Advocacy and Referral Agency, et al., against the City and County of San Francisco, et al. for an agreement to make certain disability access improvements at the San Francisco International Airport, and by the payment of $40,000 in damages, $235,000 in attorney's fees, and $14,500 in costs; the lawsuit was filed on April 17, 2002, in US District Court (Case No C02-1844 MEJ). (City Attorney)

PASSED, ON FIRST READING

051661 **[Settlement of Lawsuit - Walter Reed]**

Ordinance authorizing the settlement of a lawsuit filed by Walter Reed against the City and County of San Francisco for $36,000.00; the lawsuit was filed on December 15, 2003, in San Francisco Superior Court, Case No. 414322, entitled Walter Reed v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051660 **[Settlement of Claim - Louis Vuitton, Inc.]**

Resolution approving the settlement of the unlitigated claim filed by Louis Vuitton, Inc., against City and County of San Francisco for $93,000.00. (City Attorney)

ADOPTED

051749 **[Appointment - San Francisco Museum and Historical Society Advisory Committee]**

Resolution appointing Susan Stryker and Philip Choy, terms ending December 16, 2005 and Charles Striplen, term ending April 21, 2006, to the San Francisco Museum and Historical Society Advisory Committee, residency requirement waived.

Susan Stryker, succeeding herself, term expired, seat 1, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco, for the unexpired portion of a one-year term ending December 16, 2005.

Philip Choy, succeeding himself, term expired, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco, for the unexpired portion of a one-year term ending December 16, 2005.

Charles Striplen (residency requirement waived), succeeding himself, term expired, seat 3, must be a member from organizations or communities with extensive knowledge of the history or cultural traditions of an ethnic minority community within San Francisco with a focus on ancestral lineage or other historical and cultural links to the San Francisco Bay Area, for the unexpired portion of a one-year term ending April 21, 2006.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051716 [Settlement of Unlitigated Claim - The Hertz Corporation]

Supervisor Ammiano

Resolution authorizing settlement of an unlitigated claim with The Hertz Corporation, for a payment to the City in the amount of $250,000.00, and on certain other terms.

Continued to November 8, 2005

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051744 [Adopting findings related to affirming the categorical exemption for 755-22nd Avenue]

Motion adopting findings affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 8, 2005

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Board

(Only one of the following two motions should be adopted.)

051446 **[Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 8, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051447 **[Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 8, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051448 **[Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Continued to November 8, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

Recommendation of the Budget and Finance Committee

050922 **[Payroll Expense Tax Exclusion for qualified clean energy technology businesses]**
Supervisors McGoldrick, Alioto-Pier, Mirkarimi, Elsbernd, Ma, Sandoval

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for qualified clean energy technology businesses, as specified.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin

From the Budget and Finance Committee Without Recommendation

051599 [Official Advertising - Type 1 for Consecutive Day Publication and Type 2 for Non-Consecutive Day Publication]

Resolution designating the San Francisco Chronicle and Examiner to be the official newspapers of the City and County of San Francisco for the category of Type 1 consecutive day, and Type 2 non consecutive day official advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

050253 [Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051458 [Public Works Code - landmark trees and penalties for violations]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051460 **[Subdivision Code fees]**
Supervisor Dufty

Ordinance amending the Subdivision Code section 1315 to adopt new fees for air space maps, lot subdivisions, condominium conversions, parcel maps, lot merger and resubdivision maps, amended maps, lot line adjustments, lot mergers, certificates of compliance, certificates of correction, records of survey, and other mapping actions and to provide for an annual adjustment of such fees based on the relevant consumer price index; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051461 **[Survey Monument Preservation Fee and Fund]**
Supervisor Dufty

Ordinance amending the San Francisco Administrative Code by adding Section 8.24-6, to authorize the imposition of a $10 grant deed recordation user fee and by adding Section 10.100-50, to create the County Surveyor's Survey Monument Preservation Fund for the deposit and collection of the fee for use by the County Surveyor for the retracement or remonument survey of major historical vertical or horizontal land division lines; amending the San Francisco Subdivision Code by adding Section 1340.1, to authorize the County Surveyor to use the proceeds collected from imposition of the fee to pay for the retracement or remonument survey of major historical vertical or horizontal land division lines; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051585 **[Acceptance of Subsurface Easement at 2-4 Winfield Street]**
Resolution authorizing the acceptance of a permanent subsurface easement at 2-4 Winfield Street, Assessor's Block 5611, Lot 001 for tie-back rods connected to a City-constructed retaining wall. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

051414 **[Board review required for annual or otherwise recurring grant applications of $5,000,000 or more]**
Supervisor Maxwell

Ordinance amending Section 10.170 of the Administrative Code to require Board review of proposed annual or otherwise recurring grant applications of $5,000,000 or more prior to their submission.

Continued to November 8, 2005

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use Committee

051508 **[Establishing a Visitacion Valley Community Facilities and Infrastructure Fee and Fund]**
Supervisor Maxwell

Ordinance adding Planning Code Sections 319 through 319.7 to impose a $4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051509 **[General Plan Amendment in connection with the Executive Park -- Candlestick Cove Project]**
Supervisor Maxwell

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park -- Candlestick Cove Project; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

051357 **[Requiring the Office of Emergency Services to submit a written report following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Section 7.4-1, to require the Office of Emergency Services to submit a written report to the Disaster Council and the Board of Supervisors following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M

Supervisor Sandoval noted absent at 3:20 p.m.

051399 **[Public Hearing - Street Vacation Order, Portions of Fourth Street]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

Department of Public Works representative reviewed this matter with the Board members.

The President inquired as to whether or not any member of the public wished to address the Board members
There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

From the Land Use Committee Without Recommendation

Supervisor Sandoval noted absent at 3:20 p.m.

051398 **[Mission Bay South – Ordering Street Vacation of portions of Fourth Street]**

Ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Sandoval noted present at 3:39 p.m.

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Ma, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to the staff of the Harding Golf Course grounds maintenance in recognition of their diligent work before and during the American Express Golf Championship Tournament held at Harding Golf Course.

Recess

The Board recessed at the hour of 3:47 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:06 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 9

Supervisor Ammiano was noted present at 4:17 p.m.
Supervisor Sandoval was noted present at 4:22 p.m.

SPECIAL ORDER 4:00 P.M.

051751 **[Public Hearing - Appeal of Tentative Parcel Map for 901 Bush Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 6, 2005 (Condominium Application No. 2005.0333Q), disapproving a proposed Tentative Parcel Map to legalize the construction of a 38-unit new condominium at 901 Bush Street, Southwest corner at Taylor Street, San Francisco, Lot 001 in Assessor's Block 0282. (Appellant: Matthew A. Brennan, Esq., on behalf of property owners (M-J SF Investments, LLC).

(Filed 10/13/04; companion measure to Files 051752, 051753, 051754; District 3.)

Barbara Moy, Department of Public Works reviewed the recommendation for denial of the tentative parcel map.
Larry Badiner, Planning Department representative reviewed with the Board the Planning's Department involvement with this project.
Tim Lee, Rent Board representative reviewed with the Board members issues relating to the Rent Ordinance pertaining to this matter.

The President inquired as to whether or not any member of the public wished to address the Board members.

Mathew Brennan, Attorney for appellant (Project Sponsor)
Requested a continuance for 3 weeks
Marge Vincent; support of appellant

Steve Collier,Tenderloin Housing; support of denial of approval of the tentative parcel map
Ted Gullikson; SF Tenants; support of denial of approval of the tentative parcel map
Charles Ratbaun; support of denial of approval of the tentative parcel map
Mrs. MacArthur; support of denial of approval of the tentative parcel map
Francisco di Costa; support of denial of approval of the tentative parcel map
Allison Dixon; support of denial of approval of the tentative parcel map
Continued to January 10, 2006
CONTINUED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051752 **[Approving decision of the Director of Public Works and disapproving Tentative Parcel Map for 901 Bush Street]**

Motion approving decision of the Director of Public Works, and disapproving Tentative Parcel Map to legalize the proposed construction of a 38-unit condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Continued to January 10, 2006

Supervisor Sandoval, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

051753 **[Disapproving decision of the Director of Public Works and approving Tentative Parcel Map for 901 Bush Street]**

Motion disapproving decision of the Director of Public Works, and approving Tentative Parcel Map to legalize the proposed construction of a 38-unit new condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Continued to January 10, 2006

Supervisor Sandoval, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

051754 **[Findings - 901 Bush Street]**

Motion directing the Clerk of the Board to prepare findings relating to Tentative Parcel Map to legalize the proposed construction of a 38-unit condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Continued to January 10, 2006

Supervisor Sandoval, seconded by Supervisor Ma, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

Recess

The Board recessed at the hour of 4:57 p.m.

Reconvening of the Board

The Board reconvened at the hour of 5:45 p.m.

Calling the Roll

The following Supervisors were noted present: Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 8

Supervisor Sandoval was noted present at 5:46 p.m.
Supervisor Alioto-Pier noted present at 5:55 p.m.
Supervisor McGoldrick noted present at 6:05 p.m.

SPECIAL ORDER 5:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor Ma noted was noted absent at 5:50 p.m.
Supervisor Mirkarimi was noted absent at 6:55 p.m.
Supervisor McGoldrick was noted absent at 7:00 p.m.
Supervisor Dufty noted was noted absent at 7:00 p.m.
Supervisor Sandvoval was noted absent at 7:00 p.m.
Supervisor Mirkarimi was noted present at 7:12 p.m.
Supervisor Peskin was noted absent at 7:15 p.m.
Supervisor Dufty noted was noted present at 7:16 p.m.
Supervisor Sandoval was noted present at 7:20 p.m.
Supervisor McGoldrick was noted present at 7:24 p.m.
Supervisor Peskin was noted present at 7:25 p.m.
Supervisor Ma was noted present at 7:29 p.m.
Supervisor Sandoval was noted absent at 7:44 p.m.
Supervisor Dufty was noted absent at 7:50 p.m.
Supervisor Daly was noted absent at 7:55 p.m.

051739 **[Committee of the Whole - City's plan to end gun and gang violence in San Francisco]**
Supervisors Maxwell, Mirkarimi, Alioto-Pier

Hearing to consider the City's plan to end gun and gang violence in San Francisco.

The President inquired as to whether or not any member of the public wished to address the Board members. The following speakers expressed concern with the gun and gang violence in San Francisco: Espanola Jackson, Male speaker gun shot victim, Gerald Bloom, Sharon Hewitt, Ray Balberan, Mesha-Monge Irizarry, Kathy Perry, Erris Edgarly, Daniel Landry, Judy Jacobs, Tracy, Jessica Hazard, Marche, Mitchell Salazar, Eddie Coleman, (Acorn), Female speaker for Seniors, Male speaker, Jeremiah; John Maldonado, Darrell Rothman, Francisco di Costa, Female speaker; Helena Brook, Duran Clinton, John Candido, Kelly, Pam, Donna, Laconte Gil; Coleman Advocates, Male teacher, from Ida B. Wells School, Jessica Huerta, Holly Crell, teacher from Ida B. Wells School, Dr. Abner Boles, Bared Fong, Male speaker, Archbishop King,Male speaker, Ace Washington, Female Speaker, Marilyn Boyd, Ted Brunfield, Kevin Jefferson, Executive Director of the Ella Hill Hutch Center, C. Hawkins, Shawn Richards, John, Linda Brea, Commissioner Jim Queen, Juvenile Probation, Christopher Muhammad
The President declared the public hearing closed.

San Francisco Police Chief Heather Fong,Gregg Fortner, Executive Director, Housing Authority, and Barbara Garcia, Deputy Director, Department of Public Health reviewed with the Board members steps taken to end gun and gang violence in San Francisco.
HEARD AT PUBLIC HEARING.

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor McGoldrick provided the Board with an update on the Bay Area Air Quality Board on which he represents the Board of Supervisors.

Supervisor Mirkarimi provided the Board with an update on the Local Agency Formation and on the Disaster Council and Children and Families Come First on which he represents the Board of Supervisors.

Supervisor Elsbernd provided the Board with an update on the Health Service System and Airport Planning on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board with an update on the Municipal Transportation Commission and Golden Gate Bridge District on which he represents the Board of Supervisors.

PUBLIC COMMENT

Keno Grossman; expressed concern with issues relating to streetcars and to internet problems after an earthquake
James Chaffee, expressed concern with issues relating to the SF Library issues
Eugene Gordon, Jr.; showed interest in issues relating to international basic needs
John Galleto; expressed concern with the three strike law and the implementation of the three strike law
Male speaker; showed interest in legislation to benefit constituents and not power
Lavora Semore; showed concern with issues related to police brutality and requested to assist the Alice Griffith community in finding jobs

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051774 [Gift to the Recreation and Park Department]
Supervisor Alioto-Pier

Resolution accepting and expending a gift valued at up to $16,000,000 from the Maybeck Foundation to the Recreation and Park Department for capital improvements to the Palace of Fine Arts.

ADOPTED

051775 ["Dr. Cynthia Maung Day" on November 6, 2005]
Supervisor Ammiano

Resolution declaring “Dr. Cynthia Maung Day” on her visit to the City and County of San Francisco on November 6, 2005.

ADOPTED

051776 **[Declaring October 25, 2005 as "Alan Heineman Day" in the City and County of San Francisco]**
Supervisor McGoldrick

Resolution honoring Alan Heineman and declaring October 25, 2005 as "Alan Heineman Day" in the City and County of San Francisco.

ADOPTED

051777 **[Delay local implementation of the State's cannabis identification card system]**
Supervisor Mirkarimi

Resolution urging the Director of Health to delay local implementation of the State's cannabis identification card program until patients, advocates and City and State Legislators have sufficient time to petition the State Health Department to modify its card program protocols to better protect the anonymity of patients and caregivers, and physicians can be informed of their new obligations under the State card program.

ADOPTED

051746 **[Final Map, Planned Development, Mission Bay (200-400 Berry Street)]**
Motion approving Final Map, Planned Development, Mission Bay (Block N4), a five (5) lot subdivision, being a Planned Development of Assessor's Block 8704, Lots 1 and 2; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order No. 175,686; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051745 **[Settlement of Lawsuit - Dazell Mallory]**
Ordinance authorizing settlement of the lawsuit filed by plaintiff Dazell Mallory against the City and County of San Francisco for payment of $53,150, including all damages, attorneys' fees and costs; the lawsuit was filed on February 24, 2005, in San Francisco Superior Court, Case No. 438-930, entitled Dazell Mallory v. San Francisco Public Library, the City and County of San Francisco, and Does 1-100. (City Attorney)
10/18/05, RECEIVED AND ASSIGNED to Rules Committee.

051811 **[Settlement of Lawsuit - Lucia Wong]**
Ordinance authorizing settlement of the lawsuit filed by Lucia Wong against the City and County of San Francisco for $440,000; the lawsuit was filed on May 5, 2004 in San Francisco Superior Court, Case No. 431-126 and waiver of San Francisco General Hospital lien. (City Attorney)
10/24/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051805 **[STOP and YIELD Intersections]**

Resolution designating certain intersections as "STOP" or "YIELD" intersections.

STOP SIGNS - ESTABLISH
19th Street and Rhode Island Street, stopping 19th Street at Rhode Island Street, making this uncontrolled T-intersection a One-Way STOP.
Leese Street and Richland Avenue, stopping Richard Avenue at Lesse Street, making this an All-Way STOP.
28th Avenue and Lake Street, stopping the northern intersection of 28th Avenue at Lake Street, making this intersection an All-Way STOP.

YIELD SIGN – ESTABLISH
San Bruno Avenue, southbound, merging onto Bayshore Boulevard, south of Arleta Avenue. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

10/19/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051806 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hillway Avenue, east side, from Carl Street to the north property line of #40 Hillway Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Hillway Avenue, east side, between Carl Street and Parnassus Avenue.

PARKING METERS, 1-HR. TIME LIMIT - RESCIND
PARKING METERS, 2-HR. TIME LIMIT - ESTABLISH
20th Avenue, parking lot on west side, between Irving Street and Lincoln Way. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

10/19/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051807 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO TURN ON RED - ESTABLISH
Franklin Street, northbound, at Fell Street. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

10/19/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051810 **[Lease of Real Property at 1390 Market Street]**

Resolution authorizing the renewal and expansion of a lease at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)

10/24/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 10:10 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, November 8, 2005 2:00 PM

DOCUMENTS DEPT.
NOV 10 2005
SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

90
69
18/05

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Sandoval was noted absent .

There was a quorum.

Supervisor Sandoval was noted present at 2:07 p.m.

members of the Board acknowledged the outstanding service of Deputy City Attorney Ted Lakey upon his retirement from City and County of San Francisco.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to approve the October 11, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051460 [Subdivision Code fees]
Supervisor Dufty

Ordinance amending the Subdivision Code section 1315 to adopt new fees for air space maps, lot subdivisions, condominium conversions, parcel maps, lot merger and resubdivision maps, amended maps, lot line adjustments, lot mergers, certificates of compliance, certificates of correction, records of survey, and other mapping actions and to provide for an annual adjustment of such fees based on the relevant consumer price index; and making environmental findings.

FINALLY PASSED

051461 [Survey Monument Preservation Fee and Fund]
Supervisor Dufty

Ordinance amending the San Francisco Administrative Code by adding Section 8.24-6, to authorize the imposition of a $10 grant deed recordation user fee and by adding Section 10.100-50, to create the County Surveyor's Survey Monument Preservation Fund for the deposit and collection of the fee for use by the County Surveyor for the retracement or remonument survey of major historical vertical or horizontal land division lines; amending the San Francisco Subdivision Code by adding Section 1340.1, to authorize the County Surveyor to use the proceeds collected from imposition of the fee to pay for the retracement or remonument survey of major historical vertical or horizontal land division lines; and making environmental findings.

FINALLY PASSED

Recommendations of the Land Use Committee

051508 [Establishing a Visitacion Valley Community Facilities and Infrastructure Fee and Fund]
Supervisor Maxwell

Ordinance adding Planning Code Sections 319 through 319.7 to impose a $4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act.

FINALLY PASSED

051509 [General Plan Amendment in connection with the Executive Park -- Candlestick Cove Project]
Supervisor Maxwell

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park -- Candlestick Cove Project; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

051357 **[Requiring the Office of Emergency Services to submit a written report following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Section 7.4-1, to require the Office of Emergency Services to submit a written report to the Disaster Council and the Board of Supervisors following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning.

FINALLY PASSED

051354 **[Settlement of Lawsuit - George Q. Chen]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against George Q. Chen, for a payment to the Airport in the amount of $113,800.00, and on certain other terms; the lawsuit was filed on December 1, 2003, in United States Bankruptcy Court for the Northern District of California, Adversary Case No. 03-3713 DM and entitled City and County of San Francisco v. George Q. Chen. (City Attorney)

FINALLY PASSED

051583 **[Settlement of Lawsuit - Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al]**
Ordinance authorizing settlement of the lawsuit filed by Frederick Meiswinkel, Inc. for $1,800,000 against the Hunt Construction Group, Inc. and Hunt cross-complaint against the City and County of San Francisco seeking indemnity from the claims brought by Meiswinkel; the lawsuit was filed on March 2, 2004 in San Francisco Superior Court, Case No. CGC –04-429249; entitled, Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al; other material terms of said settlement are nonmaterial terms. (City Attorney)

FINALLY PASSED

051584 **[Settlement of Lawsuit - Kaiser Foundation Hospitals]**
Ordinance authorizing settlement of the lawsuit filed by Kaiser Foundation Hospitals against the City and County of San Francisco for $67,500.00; the lawsuit was filed on May 4, 2005 in San Francisco Superior Court, Case No. 429-909; entitled Kaiser Foundation Hospitals v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

051598 **[Settlement of Lawsuit - King C. Electric, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by King C. Electric, Inc. against the City and County of San Francisco according to the following terms: a) King C. Electric, Inc. ("KCE") pays one hundred nine thousand one hundred eighty-five dollars and ninety-three cents ($109,185.93) to the City; b) the City pays seventy-eight thousand nine hundred eighty-three dollars and twenty-one cents ($78,983.21) to KCE; and c) KCE is debarred from performing construction contracts on City-owned projects for two and a half years. The lawsuit was filed on April 14, 2004 in the Superior Court of the City and County of San Francisco, Case No. CGC-o4-430671; entitled King C. Electric, Inc. v. City and County of San Francisco et al. and related cross-action. (City Attorney)

FINALLY PASSED

051654 **[Settlement of Lawsuit - Deaf Counseling Advocacy and Referral Agency, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Deaf Counseling Advocacy and Referral Agency, et al., against the City and County of San Francisco, et al. for an agreement to make certain disability access improvements at the San Francisco International Airport, and by the payment of $40,000 in damages, $235,000 in attorney's fees, and $14,500 in costs; the lawsuit was filed on April 17, 2002, in US District Court (Case No C02-1844 MEJ). (City Attorney)

FINALLY PASSED

051661 **[Settlement of Lawsuit - Walter Reed]**

Ordinance authorizing the settlement of a lawsuit filed by Walter Reed against the City and County of San Francisco for $36,000.00; the lawsuit was filed on December 15, 2003, in San Francisco Superior Court, Case No. 414322, entitled Walter Reed v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051716 **[Settlement of Unlitigated Claim - The Hertz Corporation]**
Supervisor Ammiano

Resolution authorizing settlement of an unlitigated claim with The Hertz Corporation, for a payment to the City in the amount of $250,000.00, and on certain other terms.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051744 **[Adopting findings related to affirming the categorical exemption for 1070 Sanchez Street]**

Motion adopting findings affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Board

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

(Only one of the following two motions should be adopted.)

051446 **[Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051447 **[Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051448 **[Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

Recommendation of the Government Audit and Oversight Committee

051414 **[Board review required for annual or otherwise recurring grant applications of $5,000,000 or more]**
Supervisor Maxwell

Ordinance amending Section 10.170 of the Administrative Code to require Board review of proposed annual or otherwise recurring grant applications of $5,000,000 or more prior to their submission.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Dufty

From the Land Use Committee Without Recommendation

051398 **[Mission Bay South – Ordering Street Vacation of portions of Fourth Street]**

Ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Land Use Committee

051581 **[Street Artist Winter Holiday Spaces]**

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2005, beginning on November 15, 2005 and ending on January 15, 2006. (Arts Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

Supervisor Mirkarimi Excused from Voting

Supervisor Dufty, seconded by Supervisor Sandoval, moved to excuse Supervisor Mirkarimi at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051462 [Condominium conversion lottery based on seniority of participation]
Supervisors Dufty, Ma

Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to continue this matter to November 22, 2005.

Supervisor Peskin, seconded by Supervisor Daly, moved to amend to re-refer this matter to Committee.
Motion to amend failed by the following vote:
Ayes: 3 - Daly, Peskin, Sandoval
NoesL: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell
Excused: 1- Mirkarimi

CONTINUED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Mirkarimi

Continued to November 22, 2005
Supervisor Ma requested to be added as a co-sponsor.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Daly was noted absent at 3:26 p.m.

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Supervisor Ma introduced, welcomed and presented a Certificate of Honor to J.T. The Bigger Figure.

Recess

The Board recessed at the hour of 3:47 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:04 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin - 6

Supervisor Ma noted present at 4:06 p.m.
Supervisor Mirkarimi noted present at 4:08 p.m.

SPECIAL ORDER 4:00 P.M.

051755 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 733-27th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 24, 2005, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Section 15301 (Class 1)] the proposed interior renovations, façade alteration and horizontal and vertical extensions of the existing two-family residence. The existing two-story building is approximately 1,848 feet in size and has one off-street parking space. Upon completion of the proposed project, the building would have two residential units in a three-story, approximately 4,700 square-foot building with two off-street parking spaces in the ground floor garage. The proposed project would result in a horizontal addition that would extend the existing building about six feet to the north property line and 18 feet west into the rear yard and a vertical addition that would add a third floor to the existing building. The project would also include interior renovations and alteration of the façade.

The approximately 3,710 square-foot project site is located at 733-27th Avenue (Assessor's Block 1617, Lot 3), The project is within RH-2 (House, Two-Family) zoning district and within a 40X height and bulk district. (Appellant: Stephen M. Williams representing the neighbors of the above-referenced project.)

(Filed 10/13/05; companion measure to Files 051756, 051758, 051758; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members. Stephen M. Williams, Attorney for the appellant reviewed with the Board request for a continuance. David Cincotta, Attorney for the project sponsor reviewed with the Board the reasons not to continue this matter to January 10, 2006.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to continue to January 10, 2006.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend the continuance date to December 13, 2005.

Motion to amend the continuance date to December 13, 2005 failed by the following vote:
Ayes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Noes: 4 - Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

Supervisor Ammiano was noted present at 4:24 p.m.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Daly, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051756 **[Affirming the categorical exemption issued for 733-27th Avenue]**

Motion affirming the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Daly, Sandoval

051757 **[Disapproving the categorical exemption issued for 733-27th Avenue]**

Motion disapproving the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Daly, Sandoval

051758 **[Preparation of findings related to the categorical exemption issued for 733-27th Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Daly, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with homeless issues
James Chafee; expressed concern with SF Library issues and public comment
Eugene Gordon, Jr.; showed interest in human interest issues
Walter, shared with the Board stories about his mother

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor Ammiano was noted absent at 3:40 p.m.

051829 **[Emergency Disadvantaged Business Enterprise Program - November 15, 2005 - 4 p.m. Committee of the Whole]**
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on November 15, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

APPROVED

051828 **[Extension of Arts Task Force through January 31, 2006]**
Supervisor Ammiano

Resolution extending the operations of the Arts Task Force through January 31, 2006.

ADOPTED

051830 **[International Education Week]**
Supervisor Ma

Resolution declaring the week of November 14-18, 2005 as "International Education Week" in the City and County of San Francisco.

ADOPTED

051831 **[Accept and Expend Grant - Sheriff's Department program providing employment and education services for young offenders in the county jail and after their release]**
Supervisor Ma

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $311,603 from the Substance Abuse & Mental Health Services Administration for providing jail diversion opportunities involving integrated mental health and substance abuse treatment for incarcerated women.

ADOPTED

051832 **[Designating November 13, 2005 as Sisters of the Presentation Day]**
Supervisors McGoldrick, Elsbernd

Resolution designating November 13, 2005 as Sisters of the Presentation Day.

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED

051833 **[Commending Hayes Valley Community Partners]**
Supervisor Mirkarimi

Resolution commending the Hayes Valley Community Partners for organizing four neighborhood Halloween celebrations.

ADOPTED

051835 **[Accept-expend State Grant Funds available under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002]**
Mayor, Supervisor Daly

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a local assistance grant in the amount of $1,049,000 available under the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the development of the South of Market Area Park.

ADOPTED

051817 **[Needle Exchange Emergency]**
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

051834 **[Urging Governor Schwarzenegger to grant Stanley Tookie Williams' request for clemency]**
Supervisor Mirkarimi

Resolution urging Governor Schwarzenegger to grant Stanley Tookie Williams' request for clemency and to support AB-1121, the "California Moratorium on Executions Act."

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Elsbernd

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

051838 **[Congratulating the National Gay and Lesbian Task Force on the 18th Annual Creating Change Conference]**

Supervisors Dufty, Ammiano

Resolution to congratulate the National Gay and Lesbian Task Force on the 18th Annual Creating Change Conference.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

051842 **[Commending Deputy City Attorney Sarah Ellen Owsowitz]**

Supervisors Peskin, Elsbernd

Resolution commending Sarah Ellen Owsowitz for six years of exemplary public service to San Francisco as a Deputy City Attorney and wishing her well in her future endeavors.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:26 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
NOV 17 2005
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 15, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

F
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11/15/05

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisor Elsbernd was noted absent.

There was a quorum.

Supervisor Elsbernd was previously excused. (See Infra)

Supervisor Elsbernd Excused from Attendance

Supervisor Dufty, seconded by Supervisor Ammiano, moved to excuse Supervisor from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

AGENDA CHANGES

The President informed the Board that the following items will be heard after the 4:30 p.m. Special Order: File Nos. 021250, 051747, and 051748.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051589 [Traffic Regulations]
Supervisor Daly

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND
RIGHT TURN ONLY ONTO SAN JOSE AVENUE - ESTABLISH
Brook Street, westbound, at San Jose Avenue

NO TURN ON RED - ESTABLISH
Sacramento Street, westbound at Stockton Street; and,
Stockton Street, southbound, at Sacramento Street (to facilitate the installation of pedestrian scramble).

ONE-WAY STREET (NORTHBOUND) - RESCIND
ONE-WAY STREET (SOUTHBOUND) - ESTABLISH
Ritch Street, between Brannan and Bryant Streets (200 block). (Parking and Traffic Department)

ADOPTED

051597 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Alameda Street, both sides, between Potrero Avenue and Utah Street; and,
Utah Street, west side, between Alameda and 15th Streets.

2-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Marin Street, both sides, from Evans Avenue easterly to the terminus.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM – 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Langton Street, both sides, from Bryant Street to 272 feet southerly (the end of the public right-of-way (300 block)).

SIDEWALK WIDTH - REDUCE
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Ingerson Avenue, south side, from 40 feet to 100 feet east of 3rd Street (sidewalk would be reduced from being 25 feet to 15 feet wide).

DIAGONAL (45-DEGREE ANGLE) PARKING - ESTABLISH
Brannan Street, northeast side, from approximately 103 feet east of Colin P. Kelly, Jr. Street to approximately 36 feet west of Delancey Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, north side, from 1st Street to 140 feet westerly. (Parking and Traffic Department)

ADOPTED

051680 **[STOP Intersections - Cabrillo Street and 4th Avenue]**
Supervisor McGoldrick

Resolution establishing a STOP sign on Cabrillo Street and 4th Avenue, stopping on Cabrillo Street, making this intersection a 4 way STOP.

STOP SIGNS - ESTABLISH
Cabrillo Street and 4th Avenue, stopping Cabrillo Street, making this intersection an All-Way STOP.

ADOPTED

051725 **[Accept-Expend State Grant - Department of Parking and Traffic]**
Supervisors Ammiano, Ma

Resolution authorizing the Department of Parking and Traffic to apply for, accept and expend a grant in the amount of $706,500 from the California Department of Transportation for Safe Routes to School grant funding.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

051250 **[Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house residential-mixed zoning districts, industrial districts, and certain mixed use districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require the Planning Commission to hold a discretionary review hearing on each medical cannabis dispensary application; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan;
Amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical cannabis possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries including signage and advertising requirements; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations;
Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at $100; and,
Amending the San Francisco Business and Tax Regulations Code by amending Section 1 to add Sections 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved an amendment of the whole bearing new title.
Motion to amend passed by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1- Sandoval
Excused: 1- Elsbernd

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved to amend on page 54, line 12, to include specific language referring to wheelchair accessibility.
Motion to amend passed by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1- Sandoval
Excused: 1 - Elsbernd

Supervisor Dufty, seconded by Supervisor Maxwell, moved to amend by inserting language in Planning Code Sections 209.3, (k) (j), 217 (k) (j), 790.141 (j), 890.133 (j,), 209.3 (k) (i), 217 (k) (i), 790.141 (i) and 890.133 (i) by "not withstanding the foregoing, in no case shall a dispensary that has had or has a suspended or revoked permit be considered to be in continuous operation."
Motion to amend passed by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1- Sandoval

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to amend by inserting language on pages 11, 20, 37, and 39 relating to medical cannabis dispensary located not less than 1000 feet from school "unless not required by State Law."
Motion to amend passed by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 1- Sandoval

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Elsbernd

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Elsbernd

Supervisors Daly and McGoldrick were noted absent at 4:52 p.m.

051747 [Setting a permit application fee and an annual license fee for medical cannabis dispensaries]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick
Excused: 1 - Elsbernd

051748 [Medical cannabis dispensary application fee increase and adjustment of application and annual license fees based on changes in CPI]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to amend Section 3204 to provide for adjustments of the application fee for medical cannabis dispensary permits based on changes to the consumer price index and amending the Business and Tax Regulations Code to amend Section 249.17 to provide for adjustments in the medical cannabis dispensaries annual license fees based on changes to the consumer price index.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick
Excused: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

051414 [Board review required for annual or otherwise recurring grant applications of $5,000,000 or more]
Supervisor Maxwell

Ordinance amending Section 10.170 of the Administrative Code to require Board review of proposed annual or otherwise recurring grant applications of $5,000,000 or more prior to their submission.

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Dufty
Excused: 1 - Elsbernd

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

051459 **[Parking Restrictions]**
Supervisor McGoldrick

Ordinance amending the San Francisco Traffic Code by amending Section 3.6.1 to redefine the Downtown Core area, by amending 38.B to prohibit no stopping except for the loading or unloading of passengers or freight in the Downtown Core, by amending 38.B.1 to prohibit no stopping except for the loading or unloading of passengers or freight outside of the Downtown Core, by amending 201.1 to revise the boundaries for Parking Meter Area Number One, and by amending 201.2 to revise the boundaries for Parking Meter Area Number Two.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051605 **[Penalties related to dog licensing]**
Supervisor Dufty

Ordinance amending Article 1, Section 41.25 of the San Francisco Health Code by increasing penalties imposed for failing to license a dog or obtain a young dog certificate from not less than $25 nor more than $50 to exactly $100; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051606 **[Penalties related to vicious and dangerous dogs]**
Supervisor Dufty

Ordinance amending Article 1, Section 42.2 of the San Francisco Health Code to transfer authority for registration of vicious and dangerous dogs from the Department of Public Health to the Department of Animal Care & Control, increase the vicious and dangerous dog registration fee from $50 to $250, allow for microchipping as an alternative form of permanent identification for dogs, and clarify standards for outdoor enclosures; amending Section 42.3 to adjust hearing deadlines for vicious and dangerous dog hearings; and amending Section 42.4 making a second or subsequent violation within any 12-month period from the initial incident punishable as a misdemeanor, and to allocate dog registration fees and fines collected for violations of Sections 42 through 42.3 to the Department of Animal Care & Control for enforcement of the vicious and dangerous dog program; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051607 [Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls]
Supervisor Dufty

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of $100 to $1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of $100 with an ultimate fee of the actual expenses incurred, and to set a fee of $60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of $100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of $100 to $1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051474 [Parking Regulations]
Supervisor McGoldrick

Resolution enacting and rescinding parking regulations at various locations.

PARKING METERS (TO BE IN EFFECT 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 2-HOUR TIME LIMIT) - ESTABLISH
2nd Street, between Bryant and Townsend Streets
Brannan Street, between 4th and 2nd Street
Folsom Street, between 1st and Spear Streets
Fremont Street, between Folsom and Harrison Streets
Harrison Street, between 2nd and Fremont Streets
Main Street, between Harrison and Folsom Streets
Spear Street, between Folsom and Harrison Streets
Townsend Street, between 2nd and 3rd Streets

TOW-AWAY NO PARKING - RESCIND
Folsom Street, south side, between Main and Spear Streets

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to further amended by inserting a policy statement.

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Recommendations of the Land Use Committee

050496 **[Increasing height exemption for elevator penthouses from 10 feet to 16 feet]**
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by amending Section 260 to increase the height exemption for elevator penthouses from 10 feet to 16 feet so long as the penthouse is limited to the footprint of the elevator shaft, to require that the design of all elevator penthouses in Residential districts be consistent with the "Residential Design Guidelines," to allow the Zoning Administrator to, after a public hearing, grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations, and after providing neighborhood notice, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051769 **[Zoning - 16 Month and 15 Day Extension of Interim Moratorium on Medical Cannabis Dispensaries]**
Supervisor Mirkarimi

Urgency ordinance approving a 16 month and 15 day extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Recess

The Board recessed at the hour of 3:34 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:04 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Ma, Mirkarimi, Peskin - 7

Supervisor Maxwell was noted present at 4:05 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

051836 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

051821 **[Reenacting a Disadvantaged Business Enterprise Program]**
Supervisor Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

051740 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 680 Illinois Street/2075 Third Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on September 22, 2005, approving the Final Mitigated Negative Declaration (Case No. 2004.0546E), for the proposed demolition of two concrete warehouse/garage structures at 680 Illinois Street and 550 18th Street and construct one 50-foot tall building consisting of 35 dwelling units, 7,000 square feet of retail/commercial space, and about 41 off-street parking spaces. The project fronts on Illinois, Third and 18th Streets. The project would include a total of 74,012 square feet in five-stories, including four commercial spaces totalling 7,000-gsf on the ground floor - two facing Illinois Street, and one facing 18th and Third Streets. The 50,966-sf residential uses would have open space provided through a second story deck. The 10,580-sf parking garage would be at the ground floor and accessed from Illinois Street. The two warehouse structures located at 680 Illinois Street (or 2075 Third Street) and 550 18th Street are included in the Central Waterfront Cultural Resource Survey, the M-2 Zoning district and a 50-X height and bulk district, Assessors Block 3994, Lots 3 and 7. (Appellant: Mark R. Wolfe, Attorney for Patrick Mulligan, Financial Secretary, Carpenters Union Local 22 and Tom McCarthy, member, Carpenters Union Local 22.)

(Filed 10/19/05; companion measure to Files 051741, 051742, 051743; District 10.)

The President inquired as to whether any member of the public wished to address the Board.
Alex Lansberg, representative of the appellant indicating the withdrawal of the appeal
John Sanger, attorney for project sponsor requested that this matter be heard today or requested a shorter continuance be granted
Susan Oslich, Dogpatch Association

Supervisor Maxwell, moved to continue this matter to December 6, 2005
Motion failed for lack of a second.

Continued to November 22, 2005

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin
Noes: 1 - Ma
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051741 **[Affirm adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]**

Motion affirming Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, moved to continue this matter to December 6, 2005.
Motion failed for lack of a second.
Continued to November 22, 2005

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin
Noes: 1 - Ma
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

051742 [Reversing adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]

Motion reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, moved to continue this matter to December 6, 2005.
Motion failed for lack of a second.
Continued to November 22, 2005

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin
Noes: 1 - Ma
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

051743 [Preparation of findings to reverse adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, moved to continue this matter to December 6, 2005.
Motion failed for lack of a second.
Continued to November 22, 2005

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

Recess

The Board recessed at the hour of 4:23 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:30 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin - 7

Supervisor Ammiano was noted present at 4:36 p.m.
Supervisor McGoldrick was noted present at 4:41p.m.

SPECIAL ORDER 4:30 P.M.

051801 **[Public Hearing - Appeal of Categorical Exemption issued for the Medical Cannabis Dispensary ordinances]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 25, 2005, Case No. 2005.0664E, exempting from environmental review under General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)), the proposed legislation relating to the San Francisco Medical Cannabis Dispensary Code Amendments. This matter is a companion measure to Board File Nos. 051747, 051748, and 051250. (Appellant: Mr. Bill Barnes).
Version.
(Filed October 21, 2005).

The President inquired as to whether any member of the public wished to address the Board.
Bill Barnes, Appellant indicating proposed amendment to the ordinance will address his concerns.
The President declared the public hearing.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051802 **[Affirming the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**

Motion affirming the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

051803 **[Disapproving the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**

Motion disapproving the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

051804 **[Preparation of findings related to the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

COMMITTEE REPORTS

051586 **[Settlement of Lawsuit - Microsoft Corporation, et al.]**

Ordinance authorizing settlement of the class-action lawsuit filed by the City and County of San Francisco against Microsoft Corporation for $1,000,000; the lawsuit was filed on August 27, 2004 in San Francisco Superior Court; entitled City and County of San Francisco, et al., v. Microsoft Corporation, et al.; Microsoft removed the action to federal court and then transferred the action to the United States District Court for the District of Maryland. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

051811 **[Settlement of Lawsuit - Lucia Wong]**

Ordinance authorizing settlement of the lawsuit filed by Lucia Wong against the City and County of San Francisco for $440,000; the lawsuit was filed on May 5, 2004 in San Francisco Superior Court, Case No. 431-126 and waiver of San Francisco General Hospital lien. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Dufty provided the Board with an update on the Golden Gate Bridge District which he represents the Board of Supervisors.

PUBLIC COMMENT

Kimo Crossman; expressed concern with public hearings relating to TechConnect initiatives
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; expressed sympathy for the death of Lucille Ramstetter
John di Donna; showed interest in gay men issues
Ahimsa Porter Sumshai, MD.; requested the Board introduce a resolution for San Francisco to divest from companies doing business in the Sudan
Eugene Gordon, Jr. expressed concern with human right issues
Denise Dianne; expressed concern with the statements made by Bill O'Reilly
Abdullah Megaheed; expressed concern with homeless and general issues
Female speaker; showed interest in the medical cannabis clubs

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisors McGoldrick and Sandoval were noted absent at 3:30 pm.

051862 **[Averting SFUSD Strike]**
Supervisor Ammiano

Resolution urging the San Francisco Unified School District and SEIU to come to an agreement that averts a potential strike that would be harmful to the children and youth of San Francisco and rely on information provided by the City Controller where this can be helpful.

ADOPTED

051863 **[American Indian Heritage Month]**
Supervisor Ma

Resolution declaring November 2005 as "American Indian Heritage Month" in the City and County of San Francisco.

ADOPTED

051864 **[Extending the term of service for the Power Plant Task Force]**
Supervisor Maxwell

Resolution to extend the expiration date of the Power Plant Task Force from November 1, 2005 to November 1, 2006.

ADOPTED

051865 **[Issuance and Sale of Revenue Bonds - Jewish Home of San Francisco]**
Supervisor Sandoval

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $38,000,000 for the financing of the remodeling of and construction of additions to a residential and care facility owned by the Jewish Home of San Francisco.

ADOPTED

051866 **[Commending Rabbi Kenneth R. Leitner]**
Supervisors Sandoval, Dufty, Peskin

Resolution commending Rabbi Kenneth R. Leitner for his exceptional qualities as a religious leader and congratulating him on his installation as the new senior rabbi at the Congregation Beth Sholom.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Daly, moved ADOPTION of the purely Commendatory Finding. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Daly, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

051794 [Commending outgoing San Francisco Examiner City Hall reporter Jo Stanley]
Supervisors Peskin, Daly, Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi

Resolution commending outgoing San Francisco Examiner City Hall reporter Jo Stanley, and wishing her the best in her future endeavors.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick
Excused: 1 - Elsbernd

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051812 **[Settlement of Lawsuit - Theresa Koenig]**

Ordinance authorizing settlement of the lawsuit filed by Theresa Koenig against the City and County of San Francisco for $190,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-374; entitled Theresa Koenig, et al., v. City and County of San Francisco, et al. (City Attorney)

11/4/05, RECEIVED AND ASSIGNED to Rules Committee.

051813 **[Settlement of Lawsuit - Tania Tavasieff Foley]**

Ordinance authorizing settlement of the lawsuit filed by Tania Tavasieff Foley against the City and County of San Francisco for $75,000; the lawsuit was filed on September 7, 2004 in San Francisco Superior Court, Case No. 434-496; entitled Tania Tavasieff Foley v. City and County of San Francisco, Mortimer John Joyce, Jr., and Stephen Waichi Wong. (City Attorney)

11/4/05, RECEIVED AND ASSIGNED to Rules Committee.

051814 **[Settlement of Lawsuit - Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

11/4/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051789 **[Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities, workers in theatrical services; and workers performing moving services]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; and (5) workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

11/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051815 [Additional contract funds to evaluate the integration of buprenorphine treatment into the SFGH AIDS Program]

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS), to enter retroactively into an agreement with the University of California San Francisco (UCSF), the primary contractor, and expend additional funds in the amount of $351,939 to provide local and multi-site evaluation of the integration of buprenorphine treatment into the SFGH AIDS Program, and to add one (I.0) new position funded through this agreement; for the period of September 1, 2004 to August 31, 2009. (Public Health Department)

11/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board at the 4:54 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT

NOV 28 2005

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 22, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

90
69
122/05

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to approve the October 18, 2005 and October 25, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051459 **[Parking Restrictions]**
Supervisor McGoldrick

Ordinance amending the San Francisco Traffic Code by amending Section 3.6.1 to redefine the Downtown Core area, by amending 38.B to prohibit no stopping except for the loading or unloading of passengers or freight in the Downtown Core, by amending 38.B.1 to prohibit no stopping except for the loading or unloading of passengers or freight outside of the Downtown Core, by amending 201.1 to revise the boundaries for Parking Meter Area Number One, and by amending 201.2 to revise the boundaries for Parking Meter Area Number Two.

FINALLY PASSED

051605 [Penalties related to dog licensing]
Supervisor Dufty

Ordinance amending Article 1, Section 41.25 of the San Francisco Health Code by increasing penalties imposed for failing to license a dog or obtain a young dog certificate from not less than $25 nor more than $50 to exactly $100; and making environmental findings.

FINALLY PASSED

051606 [Penalties related to vicious and dangerous dogs]
Supervisor Dufty

Ordinance amending Article 1, Section 42.2 of the San Francisco Health Code to transfer authority for registration of vicious and dangerous dogs from the Department of Public Health to the Department of Animal Care & Control, increase the vicious and dangerous dog registration fee from $50 to $250, allow for microchipping as an alternative form of permanent identification for dogs, and clarify standards for outdoor enclosures; amending Section 42.3 to adjust hearing deadlines for vicious and dangerous dog hearings; and amending Section 42.4 making a second or subsequent violation within any 12-month period from the initial incident punishable as a misdemeanor, and to allocate dog registration fees and fines collected for violations of Sections 42 through 42.3 to the Department of Animal Care & Control for enforcement of the vicious and dangerous dog program; and making environmental findings.

FINALLY PASSED

051607 [Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls]
Supervisor Dufty

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of $100 to $1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of $100 with an ultimate fee of the actual expenses incurred, and to set a fee of $60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of $100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of $100 to $1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

FINALLY PASSED

Recommendation of the Land Use Committee

050496 **[Increasing height exemption for elevator penthouses from 10 feet to 16 feet]**
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by amending Section 260 to increase the height exemption for elevator penthouses from 10 feet to 16 feet so long as the penthouse is limited to the footprint of the elevator shaft, to require that the design of all elevator penthouses in Residential districts be consistent with the "Residential Design Guidelines," to allow the Zoning Administrator to, after a public hearing, grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations, and after providing neighborhood notice, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Rules Committee

051586 **[Settlement of Lawsuit - Microsoft Corporation, et al.]**
Ordinance authorizing settlement of the class-action lawsuit filed by the City and County of San Francisco against Microsoft Corporation for $1,000,000; the lawsuit was filed on August 27, 2004 in San Francisco Superior Court; entitled City and County of San Francisco, et al., v. Microsoft Corporation, et al.; Microsoft removed the action to federal court and then transferred the action to the United States District Court for the District of Maryland. (City Attorney)

FINALLY PASSED

051811 **[Settlement of Lawsuit - Lucia Wong]**
Ordinance authorizing settlement of the lawsuit filed by Lucia Wong against the City and County of San Francisco for $440,000; the lawsuit was filed on May 5, 2004 in San Francisco Superior Court, Case No. 431-126 and waiver of San Francisco General Hospital lien. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051872 [Adopting findings related to affirming the exemption determination issued for the Medical Cannabis Dispensary Code Amendments]

Motion adopting findings related to affirming the determination by the Planning Department that the Medical Cannabis Dispensary Code Amendments are exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 051801, 051802, 051803, 051804, 051747, and 051748.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Budget and Finance Committee

051250 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]

Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.133, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house, and residential-mixed zoning districts, industrial districts, and certain mixed use districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require the Planning Commission to hold a discretionary review hearing on each medical cannabis dispensary application; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; require dispensaries seeking to begin operations after the effective date of this legislation to obtain a permit; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan;
Amending the San Francisco Health Code by adding Sections 3200 through 3221, to: set medical cannabis possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries including signage and advertising requirements; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations;
Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at $100; and,
Amending the San Francisco Business and Tax Regulations Code by amending Section 1, to add Section 1.177, to authorize the Department of Health to issue medical cannabis dispensary permits.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051747 [Setting a permit application fee and an annual license fee for medical cannabis dispensaries]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051748 [Medical cannabis dispensary application fee increase and adjustment of application and annual license fees based on changes in CPI]
Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to amend Section 3204 to provide for adjustments of the application fee for medical cannabis dispensary permits based on changes to the consumer price index and amending the Business and Tax Regulations Code to amend Section 249.17 to provide for adjustments in the medical cannabis dispensaries annual license fees based on changes to the consumer price index.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

051462 [Condominium conversion lottery based on seniority of participation]
Supervisors Dufty, Ma, Alioto-Pier

Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier requested to be added as a co-sponsor.

RE-REFERRED to the Land Use Committee by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

From the Land Use Committee Without Recommendation

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051590 [Designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as a Landmark under Planning Code Article 10]

Supervisors Mirkarimi, Maxwell, Sandoval, Ammiano, Daly

Ordinance designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as Landmark No. 249, pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to amend the first paragraph of the "Planning Commission Recommendation, June 16, 2005."
Motion to amend the first paragraph of the Planning Commission Recommendation was passed by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

Motion to amend the Planning Commission Recommendation page 1, Section 3 (b) failed by the following vote.
Ayes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick
Noes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved to amend to "within 9 months".
Supervisor Mirkarimi withdrew the previous motion.
Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to amend to add language "within 6 months or whichever is less."
Motion to amend the Planning Commission Recommendation page 2, Section (i) as further amended passed by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

Motion to amend the Planning Commission Recommendation page 3, (b) passed by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

Motion to amend the Planning Commission Recommendation page 3, (c) passed by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to add language to the Planning Commission recommendation "to require the tree management plan, after review by the Landmarks Preservation Advisory Board, be subject to final approval by the Board of Supervisors."
Supervisor Alioto-Pier withdrew the previous motion.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

051285 [Report of Revenue Recovery for Damage to City Property]
Supervisor Ma

Ordinance amending the San Francisco Administrative Code by adding Section 4.26 to require each department to report annually on the value of damage sustained to City real and personal property under its control and the amount of revenue recovered from those responsible for damaging the property.

Supervisor Ma, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Maxwell

Supervisor Maxwell was noted absent at 2:22 p.m.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 1 - Maxwell

Supervisor Maxwell was noted present 2:24 p.m.
Supervisors Dufty and McGoldrick were noted absent at 3:40 p.m.

051456 [Creating a Foster Care Improvement Task Force]
Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by adding Sections 5.300 and 5.305 to establish a Foster Care Improvement Task Force charged with implementing the recommendations of the Disproportionality Project, and to examine and address the overrepresentation of African American children in foster care.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 2 - Dufty, McGoldrick

051766 [Confirming the reappointment of Ramon Romero to the San Francisco Redevelopment Agency]
Mayor

Resolution confirming the reappointment of Ramon Romero, term ending September 3, 2009, to the San Francisco Redevelopment Agency.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

051722 [Establishing a Select Committee on Ending Gun and Gang Violence Pursuant to Board of Supervisors Rules of Order, Rule 5.26]
Supervisors Maxwell, Mirkarimi, Ma

Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.

Supervisor Ma requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ma introduced, welcomed and presented a Certificate of Honor to members of the Cal Win IT Team.

SPECIAL ORDER 4:00 P.M.

051886 **[Public Hearing - Ordinance adopting the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area]**

Hearing to consider the possible adoption of an ordinance approving and adopting findings pursuant to the California Environmental Quality Act and a Statement of Overriding Considerations for the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area; amending Ordinance No. 234-90 to adopt the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance. (Clerk of the Board)

Marcia Rosen, Executive Director, Redevelopment Agency, Mike Grisso, Redevelopment Agency presented a presentation on the South of Market Redevelopment Agency Plan.
The President inquired as to whether or not any member of the public wished to address the Board members. Mrs. Genie Bowie, concerned about not being included in the process , Antoinetta III, support of proposed plan, Karl Olson, attorney for the Chronicle, opposed to the proposed plan, Richard Strong, expressed concern with the project, Henry Karnilowicz, support of the proposed plan, Gerry Gunn; expressed concern for lack of notification to homeowners; Jeoflin D. Roh, support of proposed plan, Male speaker, support of proposed plan, Brian Egg, concern with property owner participation and notification, Bill Wang, concerned with proposed project, Wilma Parker, Marty Cerles, support of proposed plan;
The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Recommendation of the Budget and Finance Committee

050871 [Adopting the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area]
Mayor, Supervisor Daly

Ordinance approving and adopting findings pursuant to the California Environmental Quality Act and a Statement of Overriding Considerations for the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area; amending Ordinance No. 234-90 to adopt the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

051740 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 680 Illinois Street/2075 Third Street]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on September 22, 2005, approving the Final Mitigated Negative Declaration (Case No. 2004.0546E), for the proposed demolition of two concrete warehouse/garage structures at 680 Illinois Street and 550 18th Street and construct one 50-foot tall building consisting of 35 dwelling units, 7,000 square feet of retail/commercial space, and about 41 off-street parking spaces. The project fronts on Illinois, Third and 18th Streets. The project would include a total of 74,012 square feet in five-stories, including four commercial spaces totalling 7,000-gsf on the ground floor - two facing Illinois Street, and one facing 18th and Third Streets. The 50,966-sf residential uses would have open space provided through a second story deck. The 10,580-sf parking garage would be at the ground floor and accessed from Illinois Street. The two warehouse structures located at 680 Illinois Street (or 2075 Third Street) and 550 18th Street are included in the Central Waterfront Cultural Resource Survey, the M-2 Zoning district and a 50-X height and bulk district, Assessors Block 3994, Lots 3 and 7. (Appellant: Mark R. Wolfe, Attorney for Patrick Mulligan, Financial Secretary, Carpenters Union Local 22 and Tom McCarthy, member, Carpenters Union Local 22.)

(Filed 10/19/05; companion measure to Files 051741, 051742, 051743; District 10.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Janet Carpinelli, Dogpatch Neighborhood Association, Appellant
Sue Hestor, support of appellant
Larry Badiner, Planning Department Representative
John Sanger, Attorney for the project sponsor informed the Board that an agreement has been made and requested the Board to deny the appeal.
Bill Schwartz, support of project sponsor
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051741 **[Affirm adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]**

Motion affirming Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

051742 **[Reversing adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]**

Motion reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

051743 **[Preparation of findings to reverse adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

SPECIAL ORDER 4:00 P.M.

051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

Supervisors Daly and Maxwell were noted absent at 5:22 p.m.

051223 [Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Maxwell

051224 [Disapproving the categorical exemption issued for 899 North Point Street]

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Maxwell

051225 **[Preparation of findings related to the categorical exemption issued for 899 North Point Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Maxwell

SPECIAL ORDER 4:30 P.M.

Supervisor Ammiano was noted absent at 5:35 p.m.
Supervisor McGoldrick was noted absent at 5:39 p.m.
Supervisor McGoldrick was noted present at 5:42 p.m.
Supervisor Daly was noted present at 5:45 p.m.
Supervisor Sandoval was noted absent at 6:55 p.m.

051492 **[Public Hearing - Conditional Use Appeal for 1353 -1355 Bush Street ("MUSIC CITY")]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17063 dated July 14, 2005 authorizing a conditional use authorization pursuant to Application No. 2004.0130CV subject to certain conditions, for a use size in excess of 3,000 square feet, for a music training facility ("MUSIC CITY"), with a full-service restaurant and bar, with live entertainment, also requiring a variance for off-street parking and usable open space (pursuant to conversion of "Tourist" hotel rooms to "Residential" hotel rooms), in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District, on property located at 1353–1355 Bush Street, south side between Larkin and Polk Streets, with additional frontage on Fern Street; Lot 13, Assessor's Block 669. (Appellant: Robert Garcia, on behalf of Save our Streets).

(Filed August 15, 2005; companion measure to Files 041493, 041494, 041495; District 3.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Robert Garcia, Save Our Streets, Appellant
David Fong, Architect
Robert Edmonson, On Lok Association; support of appellant
Thomas Ferriole, support of appellant
Daniel Markarian, Save Our Streets; support of appellant
Eleanor Errante, On Lok Association; support of appellant
Anne Lawrence, On Lok Association; support of appellant
Wanda Chin, On Lok Association; support of appellant
Sue Wong, On Lok Association; support of appellant
Christina Chan, On Lok Association; support of appellant
Susanna Chan, On Lok Association; support of appellant
Dwight Munson, Halsted Funeral Home; support of appellant

Greg Nikitas, Planning Department reviewed the Planning Department's recommendation.
Scott Embledge, Attorney for Project Sponsor, Rudy Colombini
Robert Alvarado, Charles Salter Asssociates
Randy Shaw,Tenderloin Housing; support of project sponsor
Bill Thompson, Manager, Jefferson Airplane; support of appellant
Lee Housekeeper; SF Stories; support of project sponsor
Theo McKinney; support of project sponsor
Keith Bollinger; support of project sponsor
David Brown; support of project sponsor
Peggy Dohrman, Loews Theaters; support of project sponsor
Gordon Grislan; support of project sponsor
Jon Hendricks; support of project sponsor
Sandra Smith; support of project sponsor
Alex Clemens; support of project of sponsor
Reverend Ray Richardson; support of project sponsor

Robert Garcia, Appellant, rebuttal period.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051493 **[Approving Planning Commission decision related to Conditional Use Appeal for 1353-1355 Bush Street]**

Motion approving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353–1355 Bush Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

051494 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 1353-1355 Bush Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353–1355 Bush Street. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

051495 **[Preparation of findings related to the Conditional Use Appeal for 1353-1355 Bush Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0130CV on property located at 1353-1355 Bush Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

SPECIAL ORDER 5:00 P.M.

051780 **[Public Hearing - Appeal of Tentative Parcel Map for 554 Valley Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 20, 2005, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block No. 6611. (Appellant: Betty Jean Wilkinson).

(Filed October 28, 2005; companion measure to Files 051781, 051782, 051783; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Betty Jean Wilkinson, Appellant requested a continuance.
There was no motion made to continue this matter.
Betty Jean Wilkinson, Appellant

Bruce Storrs, Department of Public Works and Barbara Moy, Dan Sider, Planning Department and John Malamut, Deputy City Attorney reviewed with the Board Members DPW's recommendation and permit process.

John Sanger, Attorney for project sponsor.
Betty Jean Wilkinson, Appellant rebuttal period.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051781 **[Approving decision of the Director of Public Works and approving the Tentative Parcel Map for 554 Valley Street]**

Motion approving the decision of the Director of Public Works, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611, and making environmental and General Plan findings. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

051782 **[Disapproving decision of the Director of Public Works and disapproving the Tentative Parcel Map for 554 Valley Street]**

Motion disapproving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

051783 **[Preparation of findings related to the Tentative Parcel Map appeal for 554 Valley Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-lot subdivision located at 554 Valley Street, Lot 081 in Assessor's Block 6611. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 5:30 P.M.

051784 [Public Hearing - Conditional Use Appeal for 80 West Portal Avenue]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17117 dated October 6, 2005 (Case No. 2005.0698C), approving, subject to certain conditions, a conditional use authorization pursuant to Planning Code Section 729.53 to establish mortgage brokerage as a business or professional service (Guarantee Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District, on property located at 80 West Portal Avenue, Lot 008, in Assessor's Block 2931. (Appellant: Kenneth D. Kruszka, representing the Greater West Portal Neighborhood Association).

(Filed November 1, 2005; companion measure to Files 051784, 051785, 051786, 051787; Disctrict 7.)

Continued to December 6, 2005

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051785 [Approving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]

Motion approving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to December 6, 2005

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

051786 [Disapproving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue. (Clerk of the Board)

Continued to December 6, 2005

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

051787 **[Preparation of findings related to the Conditional Use Appeal for 80 West Portal Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2005.0698C on property located at 80 West Portal Avenue, for action by the Board at its next meeting. (Clerk of the Board)

Continued to December 6, 2005

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

COMMITTEE REPORTS

051823 **[Multifamily Housing Revenue Bonds – Alabama Street Family/Senior Housing]**
Supervisor Daly

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $33,000,000 for Alabama Street Family/Senior Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $33,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

051887 **[Amendments to Administrative Code Section 10B]**
Supervisors Peskin, Mirkarimi

Ordinance amending section 10B.2 of the Administrative Code to eliminate the provisions allowing the Mayor to waive payment for services under this chapter, and amending section 10B.20 of the Administrative Code to provide that any person, firm or corporation who receives a street closure permit while being in arrears more than 90 days for payment required shall not be eligible for a future permit.

Supervisors Dufty and McGoldrick were noted present at 3:55 p.m.
Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to suspend the Rules of Order of the Board of Supervisors.
Motion to suspend the Rules of Order of the Board of Supervisors passed without objection.

Rubin David Goodman; showed interest in the youth in San Francisco
Abdullah Megaheed; expressed concern with the Iraq War
Walter Paulsen; showed interest with general issues
Yolando Consulto; expressed concern with general assistance workers payment and in support of the Living Wage Ordinance
Bruce Allison, support of Living Wage Ordinance
Rich Strong; expressed concern with the census taking process

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

051791 **[Legislative Analyst Request - First-time homebuyer prequalification programs]**
Supervisor Ma

Motion requesting the Legislative Analyst to identify and describe current first-time homebuyer prequalification programs, review the best practices and analyze the feasibility of adopting a program in conjunction with the City and County of San Francisco.

APPROVED by the following vote:
Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051892 **[Bill O'Reilly]**
Supervisors Daly, Maxwell, Mirkarimi, Peskin, Ammiano

Resolution urging Fox News Corporation and Westwood One to terminate the employment of news show host Bill O'Reilly for speech condoning acts of terrorism.

ADOPTED

051893 [Urging Federal Communications Commission to closely examine KNEW 910 AM license renewal application]
Supervisor Daly

Resolution urging the Federal Communications Commission to closely examine radio station KNEW 910 AM's license renewal application in light of a public petition from Media Alliance, the Youth Media Council and Accion Latina to deny KNEW's application for breach of "the public interest".

ADOPTED

051894 [Hepatitis Screening Month]
Supervisors Ma, Dufty

Resolution declaring November 2005 to be " Hepatitis Screening Month" in the City and County of San Francisco.

ADOPTED

051895 [Commending Congresswoman Nancy Pelosi and San Francisco Businessman Lou Giraudo]
Supervisors Peskin, Elsbernd, Alioto-Pier, McGoldrick, Ma

Resolution commending Congresswoman Nancy Pelosi and San Francisco businessman Lou Giraudo for their roles in the resolving the labor dispute between SEIU United Healthcare Workers – West and the California Pacific Medical Center (CPMC) in San Francisco and St. Luke's.

Supervisors Elsbernd, Alioto-Pier, McGoldrick and Ma requested to be added as co-sponsors.
ADOPTED

051790 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

APPROVED

051867 [Final Map for a 20 Unit Residential Condominium Project - 900 Gilman Avenue]
Motion approving Final Map of 900 Gilman Avenue, a Residential Condominium Project, being a subdivision of Lot 019 in Assessor's Block No. 4936, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,721; District 10.)

APPROVED

051868 [Final Map for a 5 Unit Commercial/Residential Condominium Project - 5700 Mission Street]
Motion approving Final Map of 5700 Mission Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 001 in Assessor's Block No. 7109, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,722; District 11.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Ammianno requested that this matter be severed so that it could be considered separately

051891 **[Bartlett Garage Contract]**

Supervisor Ammiano

Resolution urging the Board of Directors of the San Francisco Metropolitan Transportation Agency to delay finalizing the Bartlett Garage contract and to consider dividing the contract between Mission Economic Development Association, a Mission District-based non-profit organization, and Pacific Park Management.

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051871 **[Settlement of Lawsuit - Kristen Odlaug v. City and County of San and Robert Palu]**

Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of $400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San and Robert Palu.

11/14/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

051840 **[Contract funds from a new primary contractor to evaluate the impact of a resource center for drug users, Year 3]**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH,CBHS), to enter retroactively into Year 3 of an agreement with a new primary contractor, the Research Triangle Institute (RTI), and expend funds in the amount of $6,004 to provide research evaluation services; for the period of July 1, 2005 to December 31, 2005. (Public Works Department)

11/9/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051869 **[Approval of Port Lease with Miller Kelly Architects, Inc. at the Roundhouse One Building located at 150 Sansome Street]**

Resolution approving Lease between the San Francisco Port Commission and Miller Kelly Architects, Inc., a California corporation, dba MK Think for the lease of the Roundhouse One Building located at 150 Sansome Street, for a term of ten (10) years and one hundred eighty (180) days with one (1) option to renew for an additional five (5) years. (Port)

11/10/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, December 13, 2005 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Ammiano, Mirkarimi, Elsbernd	Thursday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Daly	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin	Wednesday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Maxwell was noted absent.

There was a quorum.

Supervisor Maxwell was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to approve the November 15, 2005 and November 22, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051449 **[Liquor License, 2925 16th Street]**

Resolution determining that the issuance of a type 48 on-sale general public premise license to Peter Glikshtern on behalf of Aljoy Inc. for Pink located at 2925 16th Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

051805 **[STOP and YIELD Intersections]**

Resolution designating certain intersections as "STOP" or "YIELD" intersections.

STOP SIGNS - ESTABLISH
19th Street and Rhode Island Street, stopping 19th Street at Rhode Island Street, making this uncontrolled T-intersection a One-Way STOP.
Leese Street and Richland Avenue, stopping Richard Avenue at Lesse Street, making this an All-Way STOP.
28th Avenue and Lake Street, stopping the northern intersection of 28th Avenue at Lake Street, making this intersection an All-Way STOP.

YIELD SIGN – ESTABLISH
San Bruno Avenue, southbound, merging onto Bayshore Boulevard, south of Arleta Avenue. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

ADOPTED

051806 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hillway Avenue, east side, from Carl Street to the north property line of #40 Hillway Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Hillway Avenue, east side, between Carl Street and Parnassus Avenue.

PARKING METERS, 1-HR. TIME LIMIT - RESCIND
PARKING METERS, 2-HR. TIME LIMIT - ESTABLISH
20th Avenue, parking lot on west side, between Irving Street and Lincoln Way. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

ADOPTED

051807 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO TURN ON RED - ESTABLISH
Franklin Street, northbound, at Fell Street. (Parking and Traffic Department)

(10/19/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3078.)

ADOPTED

051849 **[STOP Intersections]**
Supervisor Mirkarimi

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Pierce and Fulton: stopping northbound and southbound at Pierce Street, and eastbound and westbound at Fulton Street, making this intersection an All-Way STOP;
4th Ave. at Hugo: stopping northbound and southbound 4th Ave. and eastbound and westbound Hugo, making this intersection an All-Way STOP;
Octavia at Fulton: stopping eastbound and westbound at Octavia Street;

ADOPTED

051847 **[Parking Regulations]**
Supervisor Sandoval

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - ESTABLISH
Alemany Boulevard, westside, from 34 feet to 70 feet north of Ocean Avenue.

(11/8/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

051850 **[Traffic Regulations]**
Supervisor Sandoval

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Alemany Boulevard, northbound, from 200 feet west of San Jose Avenue to Niagara Avenue, and from Geneva Avenue to Rousseau Street; and,
Alemany Boulevard, southbound, from Rousseau Street to Seneca Avenue, and from Geneva Avenue to San Jose Avenue.

LEFT LANE MUST TURN LEFT - ESTABLISH
Alemany Boulevard, southbound, at Geneva Avenue; and,
Alemany Boulevard, northbound, at Geneva Avenue.

RIGHT LANE MUST TURN RIGHT - ESTABLISH
Alemany Boulevard, northbound, at San Jose Avenue/Regent Street; and
Alemany Boulevard, southbound, at Rousseau Street.

(11/8/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

051897 **[Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2005-06]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2005-2006 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2005-2006. (Public Health Department)

ADOPTED

051909 **[Grant for mosquito control to reduce the threat of West Nile virus]**
Supervisors Ma, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $175,426.20 from the California Department of Health Services (CDHS) for mosquito control to mitigate the threat of West Nile virus transmission, and to enter into an agreement for the use of these funds; for the period of July 1, 2005 to June 30, 2006.

ADOPTED

051910 **[Grant to develop training resources and a support network for injury prevention professionals in California, Kids' Plates initiative]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of $55,000 from the San Diego State University Research Foundation (SDSU) for the injury prevention leadership initiative, Kids' Plates, and to enter into an agreement for the use of these funds; for the period of August 15, 2005, to June 30, 2007.

ADOPTED

051911 **[Approve a no-cost extension of grant funds from the prior (third) year of the grant, extend the term of the grant, and change grant-funded positions]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to approve a no-cost extension of grant funds from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of $309,049 in funds left over from the prior grant year of September 30, 2004 to September 29, 2005, extending the term from September 29, 2005, to September 29, 2006, and changing grant-funded positions; for the new period of September 30, 2005, to September 29, 2006.

ADOPTED

051912 **[Grant to establish an enhanced STD Surveillance Network to better understand trends in gonorrhea and other sexually transmitted diseases and develop appropriate interventions in collaboration with other programs throughout the United States]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of $80,000 from the Centers for Disease Control and Prevention (CDCP), to establish an enhanced STD Surveillance Network, to enter into an agreement for the use of these funds, and to add one 1.0 new position funded through this grant; for the period of September 30, 2005, to September 29, 2006.

ADOPTED

051914 **[Grant to improve pedestrian safety in Bayview Hunters Point San Francisco]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept and expend a new grant in the amount of $157,541 from the California Department of Transportation (CDOT) to improve pedestrian safety in Bayview Hunters Point, San Francisco, and to enter into an agreement for the use of these funds; for the period of January 1, 2006, to June 30, 2007.

ADOPTED

051922 **[Grant for the Let's Be Healthy! Project to promote healthy living and prevent and manage chronic health conditions among Russian-speaking newcomers in San Francisco]**
Supervisors McGoldrick, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new four year grant, in the amount of $18,813 for the first year, from Bay Area Community Resources (BACR), for the Let's Be Healthy! Project and to enter into an agreement for the use of these funds; for the period of October 1, 2005, to June 30, 2006.

ADOPTED

051941 **[Grant to improve accessibility of and participation in the elections process]**
Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed $98,521.74 from California Secretary of State, as partial reimbursement for implementation of Help America Vote Act Section 261, to improve improving accessibility to and participation in the elections process. (Elections Department)

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use Committee

051462 **[Condominium conversion lottery based on seniority of participation]**
Supervisors Dufty, Ma, Alioto-Pier

Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.

Supervisor Mirkarimi was previously excused from voting on this matter.
FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendation of the Budget and Finance Committee

051827 **[Exempting pushcart peddlers with BART permits at 16th and 24th Street Stations from Police permit requirements]**
Supervisor Ammiano

Ordinance amending Article 17.3 of the Police Code by amending Section 1330 to define BART; adding Section 1330.2 to exempt pushcarts who obtain permits from BART for the 16th St. and 24th St. BART stations or adjacent plaza from obtaining a police permit; amending Section 1330.5 to require the Health Department Director to make a recommendation to BART within 30 days after the filing of such application with BART; amending Section 1330.14 to require the Health Department Director to forward the Certificate of Sanitation decal number assigned to each pushcart under the jurisdiction of BART to BART; and by renumbering Sections 1330.2 through 1330.6.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use Committee

050601 [Better Neighborhoods Planning and Implementation Process]
Supervisors McGoldrick, Maxwell

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor Ma, seconded by Supervisor Mirkarimi, moved to continue this matter to January 17, 2006 pending Board action on reinstating the January 17, 2006 Board meeting.

Supervisor Ma, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Mirkarimi, Peskin, Sandoval
Noes: 3 - Ammiano, Maxwell, McGoldrick

051120 [Street Encroachment at 624 Laguna Street]

Resolution granting revocable permission to 624 Laguna LP, to occupy a portion of the public right-of-way for the installation and operation of a new sub-sidewalk elevator under the sidewalk fronting the subject property at 624 Laguna Street (Block 0807, Lot 012), and making findings of consistency with the City's General Plan and Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote.
Motion to rescind the previous vote carried without objection.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

051995 [Fifth Annual Youth Recognition Day]

Fifth Annual Youth Recognition Day Presentation. (Clerk of the Board)

Gloria L. Young, Clerk of the Board and Colleen Montoya, former Director of the Youth Commission Director recognized Ron McCann's accomplishments upon his leaving the staff of the Youth Commission. Supervisor Peskin presented a Certificate of Honor to Ron McCann in recogniton of his employment with the Youth Commission.

?? Chair of the Youth Commission
Representatives from Congresswoman Pelosi, Assemblyman Mark Leno and Mayor Gavin Newsom Offices presented Certificates of Honor to the the individuals being honored by the Board of Supervisors.

The following individuals were recognized by the Board of Supervisors

Corey Linehan, Supervisor Michela Alioto-Pier
Lucila Bravo, Supervisor Tom Ammiano
Nyguyet Ha, Supervisor Chris Daly
Wilson Jimenez, Supervisor Bevan Dufty
Yvonne Chen, Supervisor Elsbernd
Langford Poh, Supervisor Fiona Ma
Carlos Guiterrez, Supervisor Sophie Maxwell
Chhu Sen leng, Supervisor Jake McGoldrick
Tyshena Whte, Supervisor Ross Mirarimi
Ben Ng, Supervisor Aaron Peskin
Jared Wilson, Supervisor Gerardo Sandoval

Rachel Antrobus, Director of the Youth Commisisoner addressed the Board members.
HEARD AT PUBLIC HEARING.

SPECIAL ORDER 4:00 P.M.

051858 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 1135-1139 Green Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 23, 2005, Case No. 2005.0842D, (Building Permit Application No. 2005.06.16.5311), exempting from environmental review under the California Environmental Quality Act ("CEQA") the proposal to construct a new subterranean basement and five-car garage under three existing two-story townhouses. The subject property is within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The project site is located at 1135-1139 Green Street, south side of Green Street between Hyde and Leavenworth Streets; Lots 115, 116, and 117 in Assessor's Block 0125. (Appellants: F. Joseph Butler on behalf of The Little House Committee and Russian Hill Community Association.)

The President inquired as to whether or not any member of the public wished to address the Board.
The President declared the public hearing closed.

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Planning Department rescinded its environmental exemption.

(Only one of the following two motions should be adopted.)

051859 **[Affirming the categorical exemption issued for 1135-1139 Green Street]**

Motion affirming the determination by the Planning Department that the 1135-1139 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051860 **[Disapproving the categorical exemption for 1135-1139 Green Street]**

Motion disapproving the determination by the Planning Department that the 1135-1139 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051861 **[Preparation of findings related to the categorical exemption issued for 1135-1139 Green Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1135-1139 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

051936 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 2660 Harrison Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 3, 2005, File Number 2004.0672E, for the proposed development project at 2660 Harrison Street.

(Filed 11/23/05; companion measure to Files 051936, 051937, 051938, 051939, District 9.)on

The President inquired as to whether or not any member of the public wished to address the Board.
Sue Hestor, Representing appellant, requesting a continuance to January 24, 2006.
Continued to January 24, 2006.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051937 **[Affirming adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to January 24, 2006

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051938 **[Reversing adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to January 24, 2006

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051939 **[Preparation of findings to reverse adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to January 24, 2006

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

051906 **[Appointment - Police Commission]**

Motion confirming the Rules Committee's nominations of, and appointing, David Campos, term ending April 30, 2006, and Petra DeJesus, term ending April 30, 2009, to the San Francisco Police Commission.

David Campos, succeeding Peter Keane, resigned, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a two-year term ending April 30, 2006.

Petra DeJesus, succeeding Gayle Orr-Smith, resigned, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2009.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalla Megahed; showed interest in homeless issues
Richard Stetman, expressed concern with issues relating to the SFPD
Male speaker; Support of Item 35, urging the Names Project Foundatin to return the AIDS Quilt to SF
James Chaffee; expressed concerns with issues relating the SF Library
Eugene J .Gordon; expressed concern with international issues
Male Speaker; expressed concern with the Chinese New Year's parade and process for participating
Female Speaker; expressed concern with the Chinese New Year's parade and process for participating
Male Speaker; expressed concern issues with the Chinese New Year's parade
Nan Su; expressed concern with the Chinese New Year's parade and process for participating
Rubin David Goodman; expressed concern with the Empress Hotel evictions
Alexander; expressed concern with the Housing Authority employment practices
Male Speaker, Shop steward for custodians; expressed concern with the Housing Authority employment issues
Male speaker, representing custodians; expressed concern with the Housing Authority employment issues
Female speaker; showed interest in Declaring December 17 as Ending Violence Against Sex Workers
Female speaker; showed interest in Declaring December 17 as Ending Violence Against Sex Workers
Andrew Green; expressed concern with the construction of high rises in San Francisco
Male speaker, expressed concern with individuals on fixed incomes and homeless shelters

Supervisor Daly was noted absent at 4:55 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

051965 **[Accept-Expend State Grant - Port Commission]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $450,000 from the Governor's Office of Homeland Security for purchase of security enhancements.

ADOPTED

051966 **[Honoring Rosa Parks]**
Supervisors Ammiano, Maxwell, Dufty, Peskin, Mirkarimi, Daly, Alioto-Pier, McGoldrick, Ma, Elsbernd

Resolution commemorating the life and mourning the loss of Rosa Parks, an icon of the Civil Rights Movement whose brave act of refusing to give up her seat on an Alabama bus in 1955 led to the end of legalized segregation in the United States; and further declaring that December 1st shall annually be observed as Rosa Parks Commemoration Day in the City and County of San Francisco and further urging the President of the United States and the United States Congress to officially designate December 1st as a holiday to commemorate the life and contribution of Rosa Parks and the legacy of the Civil Rights movement in the United States; and further encouraging all businesses in the City, both public and private, to either close on December 1st or allow the many workers and students in the City who will want to attend Rosa Parks Commemoration events taking place during normal business hours to take the day off or to leave work and school early with impunity.

Supervisor Elsbernd requested to be added as a co-sponor.
ADOPTED

051969 **[Urging the Names Project Foundation to return the AIDS Quilt to San Francisco]**
Supervisors Dufty, Ammiano, Mirkarimi

Resolution urging the Names Project Foundation to return the AIDS Quilt to San Francisco.

ADOPTED

051970 **[Commending Supervisor Zev Yaroslavsky for 30 years of elected service to the City and County of Los Angeles, California]**
Supervisor Dufty

Resolution commending Supervisor Zev Yaroslavsky for 30 years of dedicated elected public service to the City and County of Los Angeles, California.

ADOPTED

051971 **[Commending Wells Fargo]**
Supervisors Dufty, Ammiano

Resolution commending Wells Fargo for its Exemplary Corporate Citizenship and Commitment to Diverse Communities.

ADOPTED

051972 **[Expressing best wishes to Eric Batchelder for a successful recovery and commending his dedication and courage as a member of the San Francisco Police Department]**
Supervisors Dufty, Elsbernd

Resolution expressing best wishes to Eric Batchelder for a successful recovery and commending his dedication and courage as a member of the San Francisco Police Department.

Supervisor Elsbernd requested to be added as a co-sponor.
ADOPTED

051973 **[Russian Bilingual Bicultural Program]**
Supervisor Ma

Resolution urging the San Francisco Unified School District to consider the feasibility of establishing a Russian Bilingual Bicultural Program, incorporating methods from the European educational system of learning.

ADOPTED

051974 **[Accept-Expend Grant - Public Library]**
Supervisor Ma

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $153,000 from the Bill & Melinda Gates Foundation to provide sustainable public access computer hardware and software upgrades.

ADOPTED

051975 **[Accept-Expend Federal Grant - Office of the Chief Medical Examiner]**
Supervisors Ma, Dufty

Resolution authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of $74,300.00 from the Office of Justice Programs of the Department of Justice for Forensic Science improvement.

ADOPTED

051977 **[Accept and Expend Federal Transportation Grant - Airport Commission]**
Supervisor Ma

Resolution authorizing the Airport Commission to accept and expend a grant totaling $44,000 from the Federal Transit Administration through the California Department of Transportation (CalTrans) and the Metropolitan Transportation Commission (MTC) for ground transportation planning interns.

ADOPTED

051978 **[Accept-Expend State Grant - Port Commission]**
Supervisor Maxwell

Resolution authorizing the San Francisco Port Commission to accept and expend $4,200,000 in grant funds from the Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users ($3,200,000), the Metropolitan Transportation Commission Regional Bicycle and Pedestrian Program Grant ($750,000), and the Association of Bay Area Governments ($250,000) for continued work on the Illinois Street Intermodal Bridge Project.

ADOPTED

051979 **[International Day to end violence against sex workers]**
Supervisor McGoldrick

Resolution proclaiming December 17th, 2005 as International Day to End Violence Against Sex Workers in San Francisco.

ADOPTED

051987 **[Calling for the immediate incorporation of human rights curricula in primary and secondary schools and offering express support for the drafting of an International Convention on Human Rights]**
Supervisors McGoldrick, Mirkarimi, Elsbernd

Resolution calling for the immediate incorporation of human rights education into the curricula of primary and secondary schools in San Francisco and encouraging the teaching of human rights in schools worldwide and offering express support for the drafting of an International Convention on Human Rights for the new millennium.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

051988 **[Commending the 409 House at 409 Clayton Street]**
Supervisor Mirkarimi

Resolution commending the 409 House at 409 Clayton Street in recognition of its contributions to community activism in San Francisco.

ADOPTED

051989 **[Commending the Coordinators of the Thanksgiving Dinner for the Homeless and Needy]**
Supervisor Mirkarimi

Resolution commending the event coordinators of the Thanksgiving Dinner for the Homeless and Needy for organizing a successful holiday celebration and feast in the Western Addition.

ADOPTED

051990 **[Exclusive Negotiating Agreement for Development of the Old Mint]**
Supervisor Peskin

Resolution extending the expiration date of the Exclusive Negotiating Agreement between the City and the San Francisco Museum and Historical Society for the development of the Old Mint.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Supervisor Ammiano, seconded by Supervisor Sandoval, moved to suspend Board of Supervisors Rule 4.37. Motion to suspend the Board of Supervisors Rules of Order 4.37 carried without objection.

Severed from the Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately

051928 **[Bernal Heights preschool]**
Supervisor Ammiano

Resolution urging that the Bernal Preschool return to the Bernal Branch Library upon completion of the Branch Library Renovation.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to amend on page 4, line 21, by inserting "potential" before the word "return".
Motion to amend carried without objection.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved ADOPTION of the purely Commendatory Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved ADOPTION of the purely Brown Act Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

052015 **[Kenneth Rexroth Day]**
Supervisor Peskin

Resolution declaring December 22, 2005 Kenneth Rexroth Day in San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

052016 **[Commending The Honorable Judge Alex E. Saldamando]**
Supervisor Sandoval

Resolution commending the Honorable Judge Alex E. Saldamando for his contributions to the San Francisco Superior Court and the California Judiciary.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

052017 **[Commending Doris Maae]**
Supervisor Sandoval

Resolution commending Doris Maae for her efforts to ensure that Pacific Islanders in San Francisco have access to the political process.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

051983 **[Changing the official sidewalk width - Turk Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1568 to change the official sidewalk width on the southerly side of Turk Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

12/5/05, RECEIVED AND ASSIGNED to Land Use Committee.

051984 **[Changing the official sidewalk width - Market, Main, and Spear Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1567 to change the official sidewalk widths on the southerly side of Market Street, easterly side of Main Street, and the westerly side of Spear Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

12/5/05, RECEIVED AND ASSIGNED to Land Use Committee.

051985 **[Deletion of a street flower market location on Market Street at Fifth Street]**

Ordinance amending Public Works Code Article 5, Section 155 to delete the street flower market location on the south side of Market Street within 100 feet of the west line of 5th Street. (Public Works Department)

12/5/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 1/12/2006.

PROPOSED RESOLUTIONS

051942 **[Amendment to Paratransit Broker Agreement]**

Resolution approving Amendment No. 6 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to lease up to 20 accessible vans to the Contractor to be subleased to Lift Van/ADA Access service providers participating in the City's Paratransit Program. (Municipal Transportation Agency)

11/30/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051944 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
285 Dorland Street, south side, between the driveways of #285 and #295 Dorland Street (establishes three motorcycle parking spaces in this 14.5 foot space).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Folsom Street, west side, between Cesar Chavez Street and 26th Street.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Mississippi Street, west side, north of 25th Street to the terminus

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Green Street, south side, from Battery Street to 140 feet westerly; and,
Green Street, south side, from Sansome Street to 16 feet easterly.

PARKING METER AREA 3, 2-HOUR TIME LIMIT, 9AM TO 6PM, MONDAY THROUGH SATURDAY-ESTABLISH
Ellis Street, both sides, between Van Ness Avenue and Franklin Street

PARKING METER AREA 3, 2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY -ESTABLISH
Portola Drive, south side, between Fowler Avenue and Evelyn Way and between Teresita and O'Shaughnessy Boulevards

1-HOUR TIME LIMIT PARKING - RESCIND
PARKING METER AREA 1, 7AM TO 6PM, 2-HOUR, MONDAY THROUGH SATURDAY - ESTABLISH
Tehama Street, north side, between 1st Street and 140 feet west of 2nd Street (Unit and 100 block)
Clementina Street, south side, between 1st and 2nd Streets (Unit block)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Market Street, south side, from Octavia Street off-ramp to Valencia Street

TOW-AWAY, NO PARKING ANYTIME - RESCIND
Market Street, south side, from 151 feet west of Valencia Street to McCoppin Street

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, EXCEPT SATURDAY – RESCIND
Market Street, south side, from Valencia Street to 151 feet westerly

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Mars Street, both sides, between 17th and Corbett Streets (Unit block)

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Divisadero Street, east side, between Haight and Page Streets (200 block)

STREET CLOSURE - ESTABLISH
Jack Kerouac Alley, between Grant and Columbus Avenue (permanent closure to automobile traffic).

SIDEWALK WIDTH - EXTENSION
Mission Street and 18th Street intersection, northwest and southeast corners (sidewalk would be widened by five feet by installing new corner bulbs)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
McKinnon Avenue, north side, between Toland and Selby Streets.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Waterville Street terminus (200 block)

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
28th Street, both sides, between Church and Sanchez Streets (200 block)

TOW-AWAY, NO STOPPING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
Trumbull Street, north side, from Congdon Street to 100 feet easterly. (Parking and Traffic Department)

11/29/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)
11/30/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051945 **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

MULTIPLE LEFT TURN LANES - RESCIND
Eddy Street, eastbound, requiring the center lane to turn right at Cyril Magnin Street, eliminating multiple left turn condition.

BICYCLE LANES - ESTABLISH
Market Street, south side, eastbound, from McCoppin Street to Valencia Street (Parking and Traffic Department)

11/29/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)
11/30/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051948 **[Street Encroachment at 365 Main Street]**
Resolution granting revocable permission to Harrison 160, LLC, for a street encroachment comprised of two (2) existing previously installed vaults that encroach into the public sidewalk right-of-way, located at 365 Main Street (Block 3745, Lot 008) and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)
11/30/05, RECEIVED AND ASSIGNED to Land Use Committee.

051980 **[Unlitigated Claim against Pacific Gas and Electric Company]**
Resolution authorizing settlement of the unlitigated claim by the City and County of San Francisco against Pacific Gas and Electric Company for $615,222.78 for damages caused by power outage of December 20-21, 2003. (City Attorney)
12/1/05, RECEIVED AND ASSIGNED to Rules Committee.

051981 **[2006 Water Revenue Refunding Bonds Issuance]**

Resolution approving the issuance of not to exceed $125,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

12/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051982 **[2006 Water Revenue Bonds Issuance]**

Resolution approving the issuance of not to exceed $525,000,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

12/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051986 **[Settlement of Claim - AMPCO System Parking]**

Resolution approving the settlement of the unlitigated claim for Parking Tax Refund filed by AMPCO System Parking against San Francisco for $93,134.80. (City Attorney)

12/5/05, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:13 p.m.

40122[illegible]

HOUCHEN
BINDERY LTD
UTICA/OMAHA NE.
2005